

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MAN SING CORPORATION  
d.b.a. AALPHA PHARMACY  
TONY KOON WAH YIP, President  
Pharmacy Permit No. PHY 39987,

and

TONY KOON WAH YIP,  
Pharmacist License No. RPH 28997,

Respondent.

Case No.: 2919

OAH No.: L2006110261

DECISION


The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on May 19, 2007.

IT IS SO ORDERED April 19, 2007.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS  
Board President

rfm

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Respondents.

Case No. 2919

OAH No. L2006110261

**PROPOSED DECISION**

Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, heard this matter on February 28 and March 1, 2007, at Los Angeles, California.

Susan Melton Wilson, Deputy Attorney General, represented Complainant.

Adam B. Brown, Attorney at Law, represented Man Sing Corporation (the Pharmacy) and Tony Koon Wah Yip (Respondent).

Oral and documentary evidence having been received and the matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

**FINDINGS OF FACT**

1. Virginia K. Herold made the Accusation in her official capacity as the Acting Executive Officer of the Board of Pharmacy (Board).

2. On November 21, 1994, the Board issued Pharmacy Permit Number PHY 39987 to the Pharmacy to do business as Aalpha Pharmacy, with Respondent as President and Pharmacist-in-Charge and Wai Ching So Yip (now deceased) as Treasurer. The Pharmacy license was cancelled on May 9, 2006, due to a change in ownership. On July 17, 1974, the Board issued Pharmacist License Number RPH 28997 to Respondent. Said license is due to expire on January 31, 2008.

3. At the hearing of this matter, Respondent, with advice and consent of counsel, stipulated that the factual allegations set forth in the Accusation may be deemed established without requiring Complainant to offer proof thereon.<sup>1</sup> Accordingly, the following facts are found to be true:

a. From on or about April 28, 2004 to November 18, 2004, Respondent dispensed 212 prescriptions for 76 patients that were erroneous or irregular and failed to confer with the prescriber to validate those prescriptions and otherwise failed to assume co-responsibility in determining the legitimacy thereof. The prescriptions were all for either Xanax<sup>2</sup> 2mg tablets or Phenergan with codeine<sup>3</sup> in amounts of either 240 cc or 480 cc. A complete list of the 212 prescriptions is set forth in the Accusation and is also attached hereto as Exhibit "A" and by this reference made a part hereof.

b. On at least 45 instances, Respondent filled an initial prescription for a large quantity of the prescribed drug, then filled subsequent prescription(s) for the same drug, for the same patient, in the same quantity, on the same date or a few days later. In 22 of these 45 instances, Respondent dispensed multiple prescriptions (as many as four) on the same day.<sup>4</sup>

c. Respondent failed to question subsequent prescription orders presented too early, based on directions for use and administration provided by the prescriber.

d. Respondent failed to question why large numbers of new patients from a limited number of prescribing doctors would present prescriptions, one after another, for large quantities of the same two medications.

e. Respondent failed to confer with any of the physician prescribers noted on Exhibit A, to resolve obvious irregularities and otherwise validate these prescriptions, involving drugs with high potential for abuse.

f. In or about July 2004, police officers in Louisville, Kentucky, seized 11 bottles of Phenergan with codeine syrup, which had been used to saturate

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<sup>1</sup> Documentary evidence to support the charging allegations was admitted in evidence.

<sup>2</sup> Xanax is the brand name for alprazolam, a Schedule IV anxiolytic. All drugs, whether or not Scheduled, but which require a valid prescription before being dispensed, are characterized as dangerous drugs under Business and Professions code section 4022.

<sup>3</sup> Phenergan is the brand name for promethazine, a cough suppressant; codeine is a central nervous system depressant which, when combined in limited amounts with promethazine, is a Schedule V drug.

<sup>4</sup> Prescriptions showing these patterns have been identified by an asterisk in Exhibit A.

marijuana cigarettes.<sup>5</sup> Six of the 11 bottles had been dispensed by Respondent to six different patients.

g. By filling multiple prescriptions for the same drug, same patient, on the same day or a few days later, and/or dispensing subsequent prescription orders too early, Respondent knew or should have known that he was providing numerous patients with quantities of controlled medications far exceeding amounts needed for normal use.

h. From on or about April 28, 2004, to November 18, 2004, the Pharmacy and Respondent had in their possession a greater amount of controlled substances than was accounted for in any record required by law over 12 pints of Phenergan with codeine and over 1127 tablets of Xanax 2 mg.

i.<sup>6</sup> On or about March 25, 1995, in a prior disciplinary action entitled “In the Matter of the Accusation and Statement of Issues Against Tony Koon Wah Yip, RL,” Case No. 1180, the Board issued a Decision effective March 25, 1995, in which Respondent’s Pharmacist License was placed on public reprimand with formal pronouncement of said order to be performed at a noticed meeting of the Board.

4. The Board investigator assigned to this matter visited the Pharmacy on three separate occasions during the course of his audit. The investigator is a licensed pharmacist who had been in practice for 25 years before becoming an investigator and has spent the past 12 years with the Board in that capacity. He described Respondent and his wife, who worked part-time as cashier, as being very cooperative and did not attempt to withhold any information asked for. Although Respondent’s records were somewhat confusing, he felt Respondent was trying to provide “open, honest and complete records.” He found the pharmacy to have high security and described it as being “sparse” and “clean.” He had the opportunity to observe Respondent deal with customers and felt that Respondent had “good interaction” with them and did appropriate consultations with them.

5. Respondent has been a pharmacist since 1974, having graduated that year as valedictorian of his class at the University of Southern California, and has been actively engaged as a pharmacist since that time. He has, over the years, refused to fill prescriptions he felt were not properly presented; however, he would not contact the prescriber. Rather, he would direct the customer to another pharmacy. Respondent explained his rationale for filling two or more prescriptions for the same patient on the same day as follows: The pharmacy was located in a low income area. Often patients would not have the money to have the prescriptions filled when they were first issued, but would save them until they had

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<sup>5</sup> The parties stipulated that Respondent had nothing to with the syrup ending up in Kentucky or with its use in soaking marijuana cigarettes.

<sup>6</sup> This Finding is made in order to determine the degree of discipline, if any, to be imposed on Respondent.

accumulated the funds to pay for them. Since prescriptions were valid for six months only, it was not unusual for him to fill, or refill, the prescriptions when the customers had the money, but at a time when the prescriptions would soon expire. However, in such cases, Respondent would not call the prescriber to confirm that it was appropriate to fill or refill the prescriptions in question. Respondent's explanation was somewhat confusing and did not explain why a customer who needed cough medicine would save prescriptions for weeks at a time before having several filled at the same time.

6. Respondent sold the Pharmacy in April 2006. He and his wife of 21 years no longer wanted to operate in a high crime area, an area which had deteriorated over the years. The disciplinary order referred to in Finding 3i was made pursuant to a stipulation for settlement in which Respondent did not admit any wrongdoing. The conduct complained of in that matter was similar to that which forms the basis of this action, but was far more extensive and involved a variety of Schedule III drugs in addition to other scheduled and non-scheduled drugs. The conduct complained of was alleged to have occurred between 1980 and 1982. No explanation was provided as to why there was a 12 year delay before discipline was imposed.

7. Respondent has no desire to resume pharmacy ownership, nor even to work full time. He currently works as a relief pharmacist once or twice per week when he is called to do so by friends. He would like to continue practicing on a part-time basis.

8. The Board has reasonably incurred costs, including fees of the Attorney General, in the total sum of \$20,470.50 in connection with the investigation and prosecution of this matter.

\* \* \* \* \*

## **CONCLUSIONS OF LAW**

1. Respondent's conduct, as set forth in Findings 3a through 3e, provides grounds for license discipline under the provisions of Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), unprofessional conduct, for violating Health and Safety Code section 11153, subdivision (a) and California Code of Regulations, title 16, section 1761, subdivisions (a) and (b) (filling erroneous or irregular prescriptions and failing to assume co-responsibility with the prescriber).

2. Respondent's conduct, as set forth in Findings 3a through 3e and 3g, provides grounds for license discipline under the provisions of Business and Professions Code sections 4300 and 4301, subdivision (d), unprofessional conduct, for violating Health and Safety Code section 11153, subdivision (a) (clearly excessive furnishing of controlled substances).

3. Respondent's conduct, as set forth in Finding 3h, provides grounds for license discipline under the provisions of Business and Professions Code sections 4300 and 4301,

subdivisions (j) and (o), unprofessional conduct, for violating Business and Professions Code section 4081, in conjunction with California Code of Regulations, title 16, section 1718 (failure to maintain current inventory for dangerous drugs and pharmacy records).

4. The Board is entitled to recover from Respondent its costs of investigation and prosecution of this matter in the sum of \$20,470.50, by reason of Finding 8.

5. All of the acts by Respondent, as set forth above, were committed while Respondent owned and was the Pharmacist-in-Charge of the Pharmacy, thereby subjecting its license to discipline.

6. Business and Professions Code section 125.3 permits the Board to recover from Respondent its reasonable costs of investigation and prosecution of this disciplinary matter. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Supreme Court rejected a constitutional challenge to a cost recovery provision similar to Business and Professions Code section 125.3. In so doing, however, the Court directed the administrative law judge and the Board to evaluate several factors to ensure that the cost recovery provision did not deter individuals from exercising their right to a hearing. Thus, the Board must not assess the full costs where it would unfairly penalize a respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the Board must consider a respondent's subjective good faith belief in the merits of his or her position and whether that respondent has raised a colorable challenge; the Board must consider a respondent's ability to pay; and the Board may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a respondent engaged in relatively innocuous misconduct. (*Zuckerman, supra* at 45.) In light of Respondent's reduced earning power since the cancellation of Pharmacy Permit Number PHY 39987 and the severity of the below Order, it would be unduly punitive to require Respondent to pay the entirety of the Board's reasonably incurred costs. Rather, the sum of \$5,000 (five thousand dollars) is deemed an appropriate amount for Respondent to pay the Board for its costs.

\* \* \* \* \*

## ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Cancelled Pharmacy Permit No. PHY 39987 is revoked.

2. License number RPH 28997, issued to respondent is revoked; however, the Revocation is stayed and respondent is placed on probation for three (3) years upon the following terms and conditions:

## **1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy. Respondent shall report any of the following occurrences to the board, in writing, within 72 hours of such occurrence:

- \_ an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- \_ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- \_ a conviction of any crime;
- \_ discipline, citation, or other administrative action filed by any state and federal agency which involves respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

## **2. Reporting to the Board**

Respondent shall report to the board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report **is not** made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the board.

## **3. Interview with the Board**

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the board upon request at various intervals at a location to be determined by the board. Failure to appear for a scheduled interview without prior notification to board staff shall be considered a violation of probation.

## **4. Cooperation with Board Staff**

Respondent shall cooperate with the board's inspectional program and in the board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation. Failure to comply shall be considered a violation of probation.

## **5. Continuing Education**

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.

## **6. Notice to Employers**

Respondent shall notify all present and prospective employers of the decision in case number 2919 and the terms, conditions and restrictions imposed on respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his or her direct supervisor, pharmacist in-charge and/or owner to report to the board in writing acknowledging the employer has read the decision in case number 2919.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the terms and conditions of the decision in case number 2919 in advance of the respondent commencing work at each pharmacy. "Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist, whether the respondent is considered an employee or independent contractor.

## **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or Serving as a Consultant**

Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the board unless otherwise specified in this order.

## **8. Reimbursement of Board Costs**

Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$5,000. Respondent shall make said payments in equal quarterly installments and send the same to the Board together with the quarterly reports required by Condition 2 above. If respondent fails to pay the costs as specified by the board on or before the date(s) determined by the board, the board shall, without affording the respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

## **9. Probation Monitoring Costs**

Respondent shall pay the costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

## **10. Status of License**

Respondent shall, at all times while on probation, maintain an active current license with the board, including any period during which suspension or probation is tolled.

If respondent's license expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

#### **11. License Surrender while on Probation/Suspension**

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

#### **12. Notification of Employment/Mailing Address Change**

Respondent shall notify the board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Respondent shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

#### **13. Tolling of Probation**

Should respondent, regardless of residency, for any reason cease practicing pharmacy for a minimum of 20 (twenty) hours per calendar month in California, respondent must notify the board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years. "Cessation of practice" means any period of time exceeding 30 days in which respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code.

#### **14. Violation of Probation**

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

### **15. No Ownership of Premises**


Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within 90 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board.

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective of this decision.

### **16. Completion of Probation**

Upon successful completion of probation, respondent's license will be fully restored.

Date: 3-21-07

A handwritten signature in black ink, appearing to read "Ralph B. Dash", written over a horizontal line.

RALPH B. DASH  
Administrative Law Judge  
Office of Administrative Hearings

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7 **BEFORE THE**  
8 **BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2919

11 MAN SING CORPORATION  
d.b.a., AALPHA PHARMACY  
12 174 S. Alvarado St.  
Los Angeles, CA 90057  
13 TONY KOON WAH YIP, President  
WAI CHING SO YIP, Treasurer

**A C C U S A T I O N**

14 Pharmacy Permit No. PHY 39987

15 and

16 TONY KOON WAH YIP  
17 849 S. Hudson Ave.  
Los Angeles, CA 90005

18 Pharmacist License No. RPH 28997

19 Respondents.  
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21 Complainant alleges:

22 PARTIES

23 1. Virginia K. Herold (Complainant) brings this Accusation solely in her  
24 official capacity as the Acting Executive Officer of the Board of Pharmacy (Board), Department  
25 of Consumer Affairs.

26 2. On or about November 21, 1994, the Board issued Pharmacy Permit No.  
27 PHY 39987 to Man Sing Corporation, doing business as, Aalpha Pharmacy, with Tony Koon  
28 Wah Yip, as President and Wai Ching So Yip, as Treasurer (Respondent Aalpha). The Pharmacy

Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2006, unless renewed.

3. On or about July 17, 1974, the Board issued Pharmacist License No. RPH 28997 to Tony Koon Wah Yip (Respondent Yip). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2008, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

7. Section 4301 of the Code states:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

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“(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

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“(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

....

“(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.”

8. Section 4081 of the Code, subdivision (a) states:

“All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.”

9. Health and Safety Code section 11153, subdivision (a) states:

“A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment

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1 or as part of an authorized narcotic treatment program, for the purpose of providing the user with  
2 controlled substances, sufficient to keep him or her comfortable by maintaining customary use.”

3 10. California Code of Regulations, title 16, section 1718 states:

4 “Current Inventory” as used in Sections 4081 and 4332 of the Business and  
5 Professions Code shall be considered to include complete accountability for all dangerous drugs  
6 handled by every licensee enumerated in Sections 4081 and 4332.

7 “The controlled substances inventories required by Title 21, CFR, Section 1304  
8 shall be available for inspection upon request for at least 3 years after the date of the inventory.”

9 11. California Code of Regulations, title 16, section 1761 states:

10 “(a) No pharmacist shall compound or dispense any prescription which contains  
11 any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of  
12 any such prescription, the pharmacist shall contact the prescriber to obtain the information  
13 needed to validate the prescription.

14 “(b) Even after conferring with the prescriber, a pharmacist shall not compound or  
15 dispense a controlled substance prescription where the pharmacist knows or has objective reason  
16 to know that said prescription was not issued for a legitimate medical purpose.”

17 12. Section 125.3, subdivision (a), states, in pertinent part:

18 "Except as otherwise provided by law, in any order issued in resolution of a  
19 disciplinary proceeding before any board within the department . . . the board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations  
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case."

23 13. CONTROLLED SUBSTANCES

24 A. “Phenergan with Codeine,” is the brand name for Promethazine with Codeine.  
25 It is a Schedule V controlled substance as designated by Health and Safety Code section 11058,  
26 subdivision (c)(1) and is categorized as a “dangerous drug” pursuant to Business and Professions  
27 Code section 4022.

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B. "Xanax," is the brand name for Alprazolam. It is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(1) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Filling of Erroneous or Irregular Prescriptions and Failure to Assume Co-Responsibility)

14. Respondent Yip is subject to disciplinary action under sections 4300 and 4301, subdivision (j) and (o), on the grounds of unprofessional conduct, for violating Health and Safety Code section 11153, subdivision (a) and California Code of Regulations, title 16, section 1761, subdivisions (a) and (b), in that from on or about April 28, 2004 to November 18, 2004, Respondent Yip dispensed 212 prescriptions for 76 patients that were erroneous or irregular and failed to confer with the prescriber to validate these prescriptions, and otherwise failed to assume co-responsibility in determining the legitimacy of the following prescriptions:

<u>Patient</u>	<u>Date</u>	<u>Physician</u>	<u>Prescr.</u>	<u>Quantity</u>
E A.	06/25/2004	Dr. G. Thomas*	20700	Xanax 2 mg, 100 tablets
	06/25/2004	Dr. C. Estiandian*	20702	Xanax 2 mg, 100 tablets
L.A.	08/11/2004	Dr. G. Thomas*	21342	Xanax 2 mg, 100 tablets
	08/13/2004	Dr. G. Thomas*	21435	Xanax 2 mg, 100 tablets
S.B.	06/03/2004	Dr. G. Thomas*	19671	Phenergan with Codeine 240 cc
	06/04/2004	Dr. G. Thomas*	19741	Phenergan with Codeine 240 cc
W.B.	06/25/2004	Dr. C. Estiandian*	20643	Phenergan with Codeine 480 cc
	06/29/2004	Dr. S. Morris*	20836	Phenergan with Codeine 240 cc
Y.B.	09/24/2004	Dr. C. Estiandian	22027	Phenergan with Codeine 480 cc
	09/30/2004	Dr. Z. Lynn	22133	Phenergan with Codeine 480 cc
C.B.	05/24/2004	Dr. G. Thomas	19279	Xanax 2 mg, 100 tablets
	06/04/2004	Dr. G. Thomas	19758	Xanax 2 mg, 100 tablets
	06/29/2004	Dr. G. Thomas	20816	Xanax 2 mg, 100 tablets
A.B.	05/10/2004	Dr. G. Thomas*	18720	Xanax 2 mg, 100 tablets
	05/10/2004	Dr. G. Thomas*	18730	Xanax 2 mg, 100 tablets

1		06/08/2004	Dr. G. Thomas	19946	Xanax 2 mg, 100 tablets
2	D.B.	05/17/2004	Dr. C. Estiandian*	19028	Phenergan with Codeine 480 cc
3		05/21/2004	Dr. G. Thomas*	19230	Phenergan with Codeine 240 cc
4		06/28/2004	Dr. G. Thomas	20773	Xanax 2 mg, 100 tablets
5		07/02/2004	Dr. G. Thomas	20995	Xanax 2 mg, 100 tablets
6	J.BR.	05/24/2004	Dr. G. Thomas	19260	Xanax 2 mg, 100 tablets
7		06/04/2004	Dr. G. Thomas	19750	Xanax 2 mg, 100 tablets
8	P.B.	06/11/2004	Dr. G. Thomas	20118	Xanax 2 mg, 100 tablets
9		06/22/2004	Dr. G. Thomas	20496	Xanax 2 mg, 100 tablets
10	J.BV.	05/21/2004	Dr. G. Thomas	19215	Xanax 2 mg, 100 tablets
11		06/16/2004	Dr. Al-Bussam	20336	Xanax 2 mg, 100 tablets
12		10/26/2004	Dr. C. Estiandian	22560	Xanax 2 mg, 100 tablets
13		11/10/2004	Dr. C. Estiandian	22751	Xanax 2 mg, 100 tablets
14	C.C.	05/24/2004	Dr. C. Estiandian	19264	Phenergan with codeine 480 cc
15		06/03/2004	Dr. V. Roman	19695	Phenergan with Codeine 480 cc
16		06/14/2004	Dr. M. Mo	20188	Phenergan with Codeine 480 cc
17		07/01/2004	Dr. M. Mo	20952	Phenergan with Codeine 480 cc
18	A.C.	06/25/2004	Dr. G. Thomas*	20641	Phenergan with Codeine 240 cc
19		06/29/2004	Dr. Thurcker*	20282	Phenergan with Codeine 240 cc
20		07/01/2004	Dr. G. Thomas*	20960	Phenergan with Codeine 240 cc
21	H.C.	06/01/2004	Dr. G. Thomas	19577	Xanax 2 mg, 100 tablets
22		06/25/2004	Dr. G. Thomas*	20699	Xanax 2 mg, 100 tablets
23		06/29/2004	Dr. G. Thomas*	20864	Xanax 2 mg, 100 tablets
24	J.C.	06/01/2004	Dr. G. Thomas	19572	Xanax 2 mg, 100 tablets
25		06/08/2004	Dr. G. Thomas	19982	Xanax 2 mg, 100 tablets
26	C.D.	06/14/2004	Dr. G. Thomas	20212	Xanax 2 mg, 100 tablets
27		06/24/2004	Dr. G. Thomas	20601	Xanax 2 mg, 100 tablets
28	E.E.	06/09/2004	Dr. G. Thomas	20003	Xanax 2 mg, 100 tablets

1		06/23/2004	Dr. G. Thomas	20564	Xanax 2 mg, 100 tablets
2		07/02/2004	Dr. G. Thomas	21018	Xanax 2 mg, 100 tablets
3	D.GA	04/29/2004	Dr. G. Thomas	18388	Phenergan with Codeine 240 cc
4		05/05/2004	Dr. G. Thomas	18582	Phenergan with Codeine 240 cc
5		05/10/2004	Dr. G. Thomas	18719	Phenergan with Codeine 240 cc
6	L.GA	05/12/2004	Dr. M. Hamilton	18836	Phenergan with Codeine 480 cc
7		05/20/2004	Dr. C. Estiandian	19158	Phenergan with Codeine 480 cc
8		06/08/2004	Dr. G. Thomas	19965	Xanax 2 mg, 100 tablets
9		06/25/2004	Dr. C. Estiandian	20691	Xanax 2 mg, 100 tablets
10		06/25/2004	Dr. C. Estiandian	20693	Phenergan with Codeine 480 cc
11		07/01/2004	Dr. G. Thomas	20986	Phenergan with Codeine 240 cc
12	D.GR.	05/14/2004	Dr. G. Thomas	18949	Xanax 2 mg, 100 tablets
13		06/01/2004	Dr. G. Thomas	19576	Xanax 2 mg, 100 tablets
14		06/28/2004	Dr. G. Thomas	20772	Xanax 2 mg, 100 tablets
15	A.G.	05/10/2004	Dr. G. Thomas	18727	Xanax 2 mg, 100 tablets
16		05/21/2004	Dr. G. Thomas	19192	Xanax 2 mg, 100 tablets
17		06/07/2004	Dr. G. Thomas	19895	Xanax 2 mg, 100 tablets
18	A.GU.	06/04/2004	Dr. G. Thomas*	19728	Phenergan with codeine 240 cc
19		06/04/2004	Dr. G. Thomas*	19732	Phenergan with Codeine 240 cc
20		06/04/2004	Dr. G. Thomas*	19740	Phenergan with Codeine 240 cc
21		06/23/2004	Dr. G. Thomas*	20557	Phenergan with Codeine 240 cc
22		06/23/2004	Dr. G. Thomas*	20558	Phenergan with Codeine 240 cc
23	A.H	06/10/2004	Dr. G. Thomas	20034	Xanax 2 mg, 100 tablets
24		06/21/2004	Dr. G. Thomas	20490	Xanax 2 mg, 100 tablets
25	J.HA.	10/12/2004	Dr. C. Estiandian	22322	Xanax 2 mg, 100 tablets
26		10/20/2004	Dr. C. Estiandian	22445	Xanax 2 mg, 100 tablets
27	R.H.	05/21/2004	Dr. G. Thomas	19239	Phenergan with Codeine 240 cc
28		05/26/2004	Dr. G. Thomas	19421	Phenergan with Codeine 480 cc

1		06/15/2004	Dr. G. Thomas	20646	Xanax 2 mg, 100 tablets
2		07/02/2004	Dr. G. Thomas	21002	Xanax 2 mg, 100 tablets
3	Z.H.	06/02/2004	Dr. K. Klein*	19620	Phenergan with Codeine 480 cc
4		06/04/2004	Dr. G. Thomas*	19817	Phenergan with Codeine 240 cc
5		06/11/2004	Dr. G. Thomas	20074	Phenergan with Codeine 240 cc
6	A.H.	06/07/2004	Dr. G. Thomas*	19850	Phenergan with Codeine 240 cc
7		06/07/2004	Dr. G. Thomas*	19852	Phenergan with Codeine 240 cc
8	J.HU.	06/25/2004	Dr. G. Thomas	20665	Xanax 2 mg, 100 tablets
9		07/06/2004	Dr. G. Thomas	21088	Xanax 2 mg, 100 tablets
10	L.I.	05/27/2004	Dr. G. Thomas*	19452	Phenergan with Codeine 240 cc
11		05/28/2004	Dr. G. Thomas*	19515	Phenergan with Codeine 240 cc
12	M.J.	05/10/2004	Dr. G. Thomas*	18734	Phenergan with Codeine 240 cc
13		05/13/2004	Dr. G. Thomas*	18879	Phenergan with Codeine 240 cc
14		05/14/2004	Dr. G. Thomas*	18971	Phenergan with Codeine 240 cc
15	P.JE.	05/25/2004	Dr. G. Thomas	19314	Xanax 2 mg, 100 tablets
16		06/16/2004	Dr. G. Thomas	20289	Xanax 2 mg, 100 tablets
17		06/25/2004	Dr. G. Thomas*	20694	Xanax 2 mg, 100 tablets
18		06/25/2004	Dr. G. Thomas*	20704	Phenergan with Codeine 240 cc
19		06/25/2004	Dr. G. Thomas*	20706	Phenergan with Codeine 240 cc
20		06/25/2004	Dr. G. Thomas*	20708	Phenergan with Codeine 240 cc
21		06/25/2004	Dr. G. Thomas*	20716	Phenergan with Codeine 240 cc
22	P.JO.	05/07/2004	Dr. G. Thomas*	18688	Phenergan with Codeine 240 cc
23		05/07/2004	Dr. G. Thomas*	18689	Phenergan with Codeine 240 cc
24	A.J.	04/30/2004	Dr. G. Thomas	18431	Phenergan with Codeine 240 cc
25		04/30/2004	Dr. G. Thomas*	18432	Phenergan with Codeine 240 cc
26	F.J.	05/05/2004	Dr. C. Estiandian*	18584	Xanax 2 mg, 100 tablets
27		05/14/2004	Dr. G. Thomas	18941	Xanax 2 mg, 100 tablets
28	K.J.	05/27/2004	Dr. G. Thomas*	19451	Phenergan with Codeine 240 cc

1		05/27/2004	Dr. G. Thomas*	19453	Phenergan with Codeine 240 cc
2		05/28/2004	Dr. G. Thomas*	19499	Phenergan with Codeine 240 cc
3		05/28/2004	Dr. G. Thomas*	19500	Phenergan with Codeine 240 cc,
4	L.K.	06/08/2004	Dr. G. Thomas*	19976	Xanax 2 mg, 100 tablets
5		06/10/2004	Dr. G. Thomas*	20037	Xanax 2 mg, 100 tablets
6	D.K.	05/17/2004	Dr. G. Thomas*	19018	Phenergan with Codeine 240 cc
7		05/17/2004	Dr. G. Thomas*	19019	Phenergan with Codeine 240 cc
8		05/28/2004	Dr. G. Thomas*	19498	Phenergan with Codeine 240 cc
9		05/28/2004	Dr. G. Thomas*	19513	Phenergan with Codeine 240 cc
10		06/02/2004	Dr. G. Thomas*	19613	Phenergan with Codeine 240 cc
11	M.L.	05/12/2004	Dr. G. Thomas*	18818	Phenergan with Codeine 240 cc
12		05/13/2004	Dr. G. Thomas*	18884	Phenergan with Codeine 240 cc
13		05/14/2004	Dr. G. Thomas*	18972	Phenergan with Codeine 240 cc
14		05/21/2004	Dr. O. Moore*	19226	Phenergan with Codeine 360 cc
15	I.L.	06/07/2004	Dr. G. Thomas*	19851	Phenergan with Codeine 240 cc
16		06/07/2004	Dr. G. Thomas*	19853	Phenergan with Codeine 240 cc
17	D.LA.	06/16/2004	Dr. C. Ajigotafe*	20317	Phenergan with Codeine 240 cc
18		06/18/2004	Dr. G. Thomas*	20360	Phenergan with Codeine 240 cc
19		09/13/2004	Dr. C. Estiandian*	21796	Xanax 2 mg, 100 tablets
20		09/13/2004	Dr. C. Estiandian*	21804	Xanax 2 mg, 100 tablets
21	D.LU.	10/25/2004	Dr. Vo*	22537	Phenergan with Codeine 480 cc
22		10/28/2004	Dr. C. Estiandian*	22576	Phenergan with Codeine 480 cc
23	O.M.	05/03/2004	Dr. G. Thomas	18510	Xanax 2 mg, 100 tablets
24		05/12/2004	Dr. G. Thomas	18839	Xanax 2 mg, 100 tablets
25	L.MC.	05/14/2004	Dr. G. Thomas	18962	Phenergan with Codeine 240 cc
26		05/19/2004	Dr. T. Reece*	19079	Phenergan with Codeine 480 cc
27		05/20/2004	Dr. G. Thomas*	19135	Phenergan with Codeine 240 cc
28		06/25/2004	Dr. G. Thomas*	20655	Phenergan with Codeine 240 cc

1		06/25/2004	Dr. G. Thomas*	20656	Phenergan with Codeine 240 cc
2	M.MC.	06/01/2004	Dr. G. Thomas	19574	Xanax 2 mg, 100 tablets
3		06/22/2004	Dr. G. Thomas	20529	Xanax 2 mg, 100 tablets
4		07/06/2004	Dr. G. Thomas	21101	Xanax 2 mg, 100 tablets
5	D.M.	05/03/2004	Dr. G. Thomas	18491	Xanax 2 mg, 100 tablets
6		05/24/2004	Dr. G. Thomas	19262	Xanax 2 mg, 100 tablets
7		06/25/2004	Dr. G. Thomas	20651	Xanax 2 mg, 100 tablets
8		07/06/2004	Dr. G. Thomas	21092	Xanax 2 mg, 100 tablets
9	J.MO.	05/11/2004	Dr. C. Estiandian	18798	Xanax 2 mg, 100 tablets
10		05/21/2004	Dr. Al-Bussam	19174	Xanax 2 mg, 100 tablets
11		06/03/2004	Dr. G. Thomas	19712	Xanax 2 mg, 100 tablets
12		06/08/2004	Dr. G. Thomas	19979	Xanax 2 mg, 100 tablets
13	H.M.	05/21/2004	Dr. C. Estiandian*	19189	Xanax 2 mg, 100 tablets
14		05/24/2004	Dr. G. Thomas*	19278	Xanax 2 mg, 100 tablets
15	C.MO.	06/02/2004	Dr. G. Thomas*	19626	Xanax 2 mg, 100 tablets
16		06/04/2004	Dr. G. Thomas*	19828	Xanax 2 mg, 100 tablets
17		06/25/2004	Dr. G. Thomas*	20654	Phenergan with Codeine 240 cc
18		06/29/2004	Dr. G. Thomas*	20846	Phenergan with Codeine 240 cc
19	S.N.	05/03/2004	Dr. G. Thomas	18492	Xanax 2 mg, 100 tablets
20		05/14/2004	Dr. G. Thomas	18912	Xanax 2 mg, 100 tablets
21		06/08/2004	Dr. G. Thomas	19952	Phenergan with Codeine 240 cc
22		06/11/2004	Dr. G. Thomas	20136	Phenergan with Codeine 240 cc
23	A.OM.	10/15/2004	Dr. C. Estiandian	22402	Phenergan with Codeine 480 cc
24		10/21/2004	Dr. C. Estiandian	22463	Phenergan with Codeine 480 cc
25	A.OW.	05/03/2004	Dr. G. Thomas	18519	Xanax 2 mg, 100 tablets
26		05/20/2004	Dr. Al-Bussam	19146	Xanax 2 mg, 120 tablets
27		05/25/2004	Dr. G. Thomas	19345	Xanax 2 mg, 100 tablets
28		06/21/2004	Dr. G. Thomas	20452	Xanax 2 mg, 100 tablets

1		07/06/2004	Dr. G. Thomas	21087	Xanax 2 mg 100 tablets
2	G.O.	05/28/2004	Dr. G. Thomas	19521	Phenergan with Codeine 240 cc
3		06/01/2004	Dr. G. Thomas	19568	Phenergan with Codeine 240 cc
4	M.P.	10/21/2004	Dr. T. Reece*	22464	Phenergan with Codeine 480 cc
5		10/25/2004	Dr. Vo*	22538	Phenergan with Codeine 480 cc
6	J.P.A.	06/09/2004	Dr. G. Thomas	19995	Xanax 2 mg, 100 tablets
7		06/16/2004	Dr. G. Thomas	20333	Xanax 2 mg, 100 tablets
8		06/21/2004	Dr. G. Thomas	20450	Xanax 2 mg, 100 tablets
9	A.P.	04/29/2004	Dr. O. Moore	18371	Phenergan with Codeine 240 cc
10		05/04/2004	Dr. G. Thomas	18549	Phenergan with Codeine 240 cc
11		06/03/2004	Dr. G. Thomas*	19674	Phenergan with Codeine 240 cc
12		06/07/2004	Dr. G. Thomas*	19919	Phenergan with Codeine 240 cc
13	E.R.	05/07/2004	Dr. G. Thomas*	18691	Xanax 2 mg, 100 tablets
14		05/07/2004	Dr. G. Thomas*	18692	Xanax 2 mg, 100 tablets
15		05/10/2004	Dr. G. Thomas*	187244	Xanax 2 mg, 100 tablets
16		05/25/2004	Dr. G. Thomas	19316	Xanax 2 mg, 100 tablets
17	D.R.	05/25/2004	Dr. G. Thomas	19297	Xanax 2 mg, 100 tablets
18		06/04/2004	Dr. G. Thomas	19779	Xanax 2 mg, 100 tablets
19		06/30/2004	Dr. G. Thomas	20915	Xanax 2 mg, 100 tablets
20		07/02/2004	Dr. G. Thomas	21019	Xanax 2 mg, 100 tablets
21	J.R.O.	06/23/2004	Dr. G. Thomas*	20559	Phenergan with Codeine 240 cc
22		06/23/2004	Dr. G. Thomas*	20560	Phenergan with Codeine 240 cc
23	S.R.	06/11/2004	Dr. G. Thomas	20146	Xanax 2 mg, 100 tablets
24		06/25/2004	Dr. G. Thomas	20687	Xanax 2 mg, 100 tablets
25	B.S.	06/11/2004	Dr. G. Thomas	20111	Phenergan with Codeine 240 cc
26		06/16/2004	Dr. G. Thomas	20321	Phenergan with Codeine 240 cc
27	G.SM.	06/11/2004	Dr. G. Thomas	20116	Xanax 2 mg, 100 tablets
28		06/28/2004	Dr. G. Thomas	20752	Xanax 2 mg, 100 tablets

1	M.S.	06/02/2004	Dr. G. Thomas	19599	Xanax 2 mg, 100 tablets
2		06/16/2004	Dr. G. Thomas	20331	Xanax 2 mg, 100 tablets
3		09/23/2004	Dr. C. Estiandian*	21984	Phenergan with Codeine 480 cc
4		09/23/2004	Dr. C. Estiandian*	21986	Phenergan with Codeine 480 cc
5	E.S.	05/12/2004	Dr. G. Thomas	18838	Xanax 2 mg, 100 tablets
6		06/02/2004	Dr. G. Thomas	19601	Xanax 2 mg, 100 tablets
7	V.T.	10/14/2004	Dr. C. Estiandian*	22355	Xanax 2 mg, 100 tablets
8		10/14/2004	Dr. C. Estiandian*	22365	Xanax 2 mg, 100 tablets
9	A.T.	06/01/2004	Dr. G. Thomas	119573	Xanax 2 mg, 100 tablets
10		06/24/2004	Dr. G. Thomas	20603	Xanax 2 mg, 100 tablets
11	E.W.	05/12/2004	Dr. G. Thomas	18846	Xanax 2 mg, 100 tablets
12		05/18/2004	Dr. G. Thomas	19056	Xanax 2 mg, 100 tablets
13		06/18/2004	Dr. G. Thomas	19935	Xanax 2 mg, 100 tablets
14	L.W.	06/22/2004	Dr. G. Thomas	20514	Xanax 2 mg, 100 tablets
15		07/02/2004	Dr. G. Thomas	21017	Xanax 2 mg, 100 tablets
16	S.W.	05/26/2004	Dr. G. Thomas	19422	Xanax 2 mg, 100 tablets
17		06/08/2004	Dr. G. Thomas	19929	Xanax 2 mg, 100 tablets
18	A.W.	05/27/2004	Dr. G. Thomas*	19450	Phenergan with Codeine 240 cc
19		05/27/2004	Dr. G. Thomas*	19454	Phenergan with Codeine 240 cc
20		06/01/2004	Dr. G. Thomas	19578	Xanax 2 mg, 100 tablets
21		06/16/2004	Dr. G. Thomas	20332	Xanax 2 mg, 100 tablets
22	Q.W.	05/17/2004	Dr. G. Thomas	19008	Phenergan with Codeine 240 cc
23		05/21/2004	Dr. G. Thomas	19169	Phenergan with Codeine 240 cc
24	T.W.	05/05/2004	Dr. G. Thomas	18587	Xanax 2 mg, 100 tablets
25		05/25/2004	Dr. G. Thomas	19320	Xanax 2 mg, 100 tablets
26		06/02/2004	Dr. G. Thomas	19661	Xanax 2 mg, 100 tablets
27		06/21/2004	Dr. G. Thomas	20433	Xanax 2 mg, 100 tablets
28		06/28/2004	Dr. G. Thomas	20770	Xanax 2 mg, 100 tablets

1		07/08/2004	Dr. G. Thomas	21206	Xanax 2 mg, 100 tablets
2	R.W.	04/29/2004	Dr. G. Thomas	18382	Xanax 2 mg, 100 tablets
3		04/30/2004	Dr. G. Thomas	18462	Xanax 2 mg, 100 tablets
4		05/21/2004	Dr. G. Thomas	19245	Xanax 2 mg, 100 tablets
5		06/04/2004	Dr. G. Thomas	19756	Xanax 2 mg, 100 tablets
6		06/28/2004	Dr. G. Thomas*	20776	Xanax 2 mg, 100 tablets
7		06/28/2004	Dr. G. Thomas*	20797	Xanax 2 mg, 100 tablets
8	F.W.	05/03/2004	Dr. G. Thomas	18494	Xanax 2 mg, 100 tablets
9		05/11/2004	Dr. G. Thomas	18770	Xanax 2 mg, 100 tablets
10	M.W.	06/04/2004	Dr. G. Thomas	19820	Xanax 2 mg, 100 tablets
11		06/14/2004	Dr. G. Thomas	20220	Xanax 2 mg, 100 tablets
12	K.W.	10/14/2004	Dr. C. Estiandian*	22354	Xanax 2 mg, 100 tablets
13		10/14/2004	Dr. C. Estiandian*	22362	Xanax 2 mg, 100 tablets
14	R.W.	05/10/2004	Dr. G. Thomas	18757	Xanax 2 mg, 100 tablets
15		05/24/2004	Dr. G. Thomas	19261	Xanax 2 mg, 100 tablets

16                   A. On at least 45 instances, Respondent filled an initial prescription for a  
17 large quantity of the prescribed drug, then filled subsequent prescription(s) for the same drug, for  
18 the same patient, in the same quantity, on the same date or a few days later. In 22 of these 45  
19 instances, Respondent dispensed multiple prescriptions (as many as four) on the *same* day.<sup>1</sup>

20                   B. Respondent failed to question subsequent prescription orders presented  
21 *too early*, based on directions for use and administration provided by the prescriber.

22                   C. Respondent failed to question why large numbers of new patients from  
23 a limited group of prescribing doctors would present prescriptions, one after another, for large  
24 quantities of the same two medications.

25                   D. Respondent failed to confer with any of the physician prescribers noted

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28                   1. Prescriptions showing these patterns have been identified by an asterik in the list of prescriptions above.

1 above, to resolve obvious irregularities and otherwise validate these prescriptions, involving  
2 drugs with high potential for abuse.

3 E. In or about July, 2004, police officers in Louisville, Kentucky seized 11  
4 bottles of Phenergan with codeine syrup, which had been used to saturate marijuana cigarettes.  
5 Six of the 11 bottles had been dispensed by Respondent to 6 different patients.

6 SECOND CAUSE FOR DISCIPLINE

7 (Clearly Excessive Furnishing of Controlled Substances)

8 15. Respondent Yip is subject to disciplinary action under sections 4300  
9 and 4301, subdivision (d), on the grounds of unprofessional conduct, for violating Health and  
10 Safety Code section 11153, subdivision (a) for clearly excessive furnishing of controlled  
11 substances, between April 28, 2004 to November 18, 2004, as follows:

12 A. Allegations of paragraph 14, above, are realleged herein as though  
13 fully set forth.

14 B. By filling multiple prescriptions for the same drug, same patient, on the  
15 same day or a few days later, and /or dispensing subsequent prescription orders *too early* ,  
16 Respondent knew or should have known that he was providing numerous patients with quantities  
17 of controlled medications far exceeding amounts needed for normal personal use.

18 THIRD CAUSE FOR DISCIPLINE

19 (Failure to Maintain Current Inventory for Dangerous Drugs and Pharmacy Records)

20 16. Respondents are subject to disciplinary action under sections 4300 and  
21 4301, subdivision (j) and (o), on the grounds of unprofessional conduct, for violating section  
22 4081, in conjunction with California Code of Regulations, title 16, section 1718, in that from on  
23 or about April 28, 2004 to November 18, 2004, Respondents had in their possession, a greater  
24 amount of controlled substances than was accounted for in any record required by law. Inventory  
25 by Board inspectors on or about May 3, 2005, showed Respondents were over 12 pints of  
26 Phenergan with Codeine and over 1127 tablets of Xanax 2 mg.

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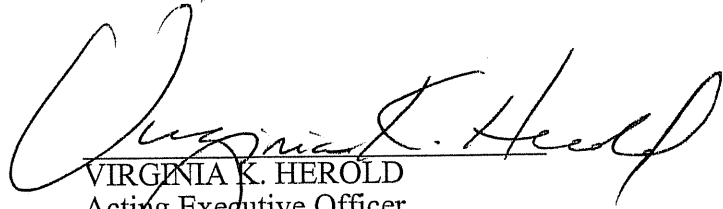
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4. Taking such other and further action as deemed necessary and proper.

DATED: 7/21/06



VIRGINIA K. HEROLD  
Acting Executive Officer  
Board of Pharmacy  
State of California  
Complainant

LA2005600523

60147308.wpd

# EXHIBIT A

Accusation 2919

DANIEL E. LUNGREN, Attorney General  
EARL R. PLOWMAN,  
Deputy Attorney General  
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Los Angeles CA 90013  
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Attorneys for Complainant

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation and  
Statement of Issues Against:

CASE NO. 1180

STIPULATION FOR  
SETTLEMENT

TONY KOON WAH YIP, RL, et. al.

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between Tony Koon Wah Yip, RL, who is represented by Donald B. Brown, of the law firm of Berger & Brown, and the complainant, who is represented by Attorney General Daniel E. Lungren, by and through Earl R. Plowman, Deputy Attorney General, as follows:

1. There is currently pending before the Board of Pharmacy (hereinafter, "the Board") an accusation and statement of issues matter bearing, Case No. 1180, against Tony Koon Wah Yip, RL (hereinafter, "the respondent"), in his capacity as a licensed pharmacist and as the owner of Man Sing Corporation doing business as AAlpha Pharmacy. There is also currently pending an application to change the location of the pharmacy. Respondent has received and read the accusation and statement of issues in Case No. 1180. The Board has received no evidence

1 any subsequent conduct which would be the basis for further  
2 charges since the filing of the original accusation and statement  
3 of issues, and has in the past permitted and approved an  
4 application to change the location of the pharmacy without  
5 amendment to the original statement of issues or the necessity of  
6 a hearing.

7         2. Respondent has retained Donald B. Brown, of the law  
8 firm of Berger & Brown, to represent him in this matter and has  
9 fully discussed the accusation, his legal rights, and the  
10 stipulation with Mr. Brown.

11         3. Respondent understands that but for this  
12 stipulation he would have the right to a hearing on the charges  
13 in the accusation in Case No. 1180, including the right to  
14 confront and cross-examine witnesses, to present witnesses and  
15 evidence of his own, to a written decision following hearing, to  
16 appeal any final decision of the Board, and to any and all other  
17 rights to which he is entitled under either the Administrative  
18 Procedure Act or the Code of Civil Procedure.

19         4. Respondent knowingly, intelligently, and  
20 voluntarily waives each and every one of the rights set out  
21 hereinabove at paragraph 3 of this stipulation.

22         5. Respondent admits that the complainant could  
23 establish a prima facie case of the truth of the allegations in  
24 the accusation. Without admitting the truth of the allegations,  
25 respondent declines to contest said prima facie case.

26         6. Based on paragraph 5, respondent stipulates there  
27 is a basis for the issuance of discipline pursuant to Business

1 and Professions Code section 4350.5.

2 7. Based on the foregoing stipulations and recitals,  
3 respondent agrees that the Board may issue an order pursuant to  
4 this stipulation in settlement whereby his pharmacist certificate  
5 of licensure No. PD28997 may be publicly reprimanded and further  
6 agrees to pay the amount of \$3,500 in investigative costs to the  
7 Board within 60 days of the effective date of this decision. All  
8 other allegations in the accusation and statement of issues which  
9 relate to pharmacy permits and applications for permits are  
10 dismissed. Respondent understands the Board may require him to  
11 receive the public reprimand of his license in person.

12 8. Should the Board, for any reason, fail or refuse to  
13 adopt this stipulation it shall be of no force or effect as to  
14 either party.

15 ORDER

16 1. Pharmacist's Licentiate Certificate Number PD29887  
17 previously issued to Tony Koon Wah Yip, RL is publicly  
18 reprimanded with formal pronouncement of said order to be  
19 performed a noticed meeting of the Board of Pharmacy.

20  
21 2. Within sixty (60) days from the effective date of  
22 the instant decision, without regard to whether respondent  
23 has appeared before the Board for formal pronouncement of  
24 the order of reprimand, respondent shall pay to the Board of  
25 Pharmacy as costs of its investigation in this matter the  
26 sum of three thousand five hundred dollars (\$3500.00).  
27

3. All other charges and allegations which do not pertain to the personal pharmacist's license of respondent are dismissed.

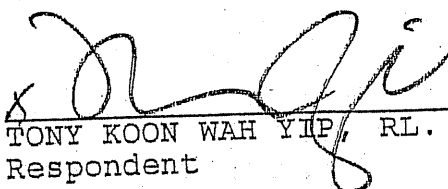
ACKNOWLEDGMENT

I have read this stipulation and have fully discussed it with my attorney, Donald B. Brown. I understand I am agreeing to a public reprimand of my pharmacist's license by the Board of Pharmacy and to the payment to the Board of \$3,500 in investigative costs within 60 days of the effective date of the decision as is set out at paragraph 7 of the stipulation.

I understand that the Board will take no further action against me in connection with case number 1180 and I further understand I am waiving any right to contest this stipulation.

I enter into this stipulation freely, intelligently, knowingly and voluntarily.

DATED: 8-25-94

  
TONY KOON WAH YIP, RL.  
Respondent

BERGER & BROWN

DATED: AUG 22 1994

By: 

DONALD B. BROWN  
Attorneys for Respondent

DANIEL E. LUNGREN  
ATTORNEY GENERAL

DATED: September 12, 1994

By: 

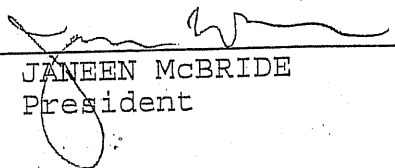
EARL R. PLOWMAN  
Deputy Attorney General  
Attorneys for Complainant

DECISION AND ORDER

The Stipulation for Discipline and Order in this matter is formally adopted as the Decision in Accusation, Case No. 1180, as to respondent, Tony Koon Wah Yip, by the Board of Pharmacy of the State of California on the 23rd day of February, 1995, and shall become effective on the 25th of March, 1995.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
JANEEN McBRIDE  
President

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 EARL R. PLOWMAN,  
Deputy Attorney General  
3 3580 Wilshire Boulevard  
Los Angeles, California 90010  
4 Telephone: (213) 736-2031

5 Attorneys for Complainant

6  
7 BEFORE THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
8 STATE OF CALIFORNIA  
9

10 In the Matter of the Accusation  
and Statement of Issues Against:

No. 1180

11 MAN SING CORP.  
12 dba A-ALPHA PHARMACY  
422 South Alvarado Street  
13 Los Angeles, California 90050

14 TONY KOON WAH YIP  
President

15 KAM CHUN YIP  
16 Secretary

17 WAI CHING SO YIP  
Treasurer  
18 Pharmacy Permit No. ZK 20979

19 and

20 TONY KOON WAH YIP  
929 South Hudson Avenue  
21 Los Angeles, California 90019  
RL No. PD29887

22 and

23 MAN SING CORP.  
24 dba A-ALPHA PHARMACY  
525 North Mednick  
25 Los Angeles, California 90032  
Applicant

26 Respondents.  
27

Complainant, Lorie Garris as causes for discipline,  
and denial of the pending application alleges:

1. That she is the Executive Secretary of the  
California State Board of Pharmacy and makes and brings the  
within charges and allegations within her official capacity and  
not otherwise.

2. That on or about July 17, 1984, Tony Koon Wah Yip  
(hereinafter referred to as "respondent Yip") was issued  
pharmacist certified PD28997. Said certificate was duly issued  
by the board and authorized respondent Yip to engage in the  
practice of the profession of pharmacy in the State of  
California.

3. That on or about October 19, 1979, pharmacy permit  
No. ZK20979 was issued by the board to Man Sing Corp.  
(hereinafter referred to as "respondent Corp") to operate a  
pharmacy under the name A-Alpha Pharmacy located at 422 South  
Alvarado Street, Los Angeles. The officers of respondent Corp.  
are respondent Yip, President and responsible licentiate; Kam  
Chun Yip, Secretary and Wai Ching So Yip, Treasurer. Said  
permit was at all times mentioned herein and continues in full  
force and effect.

4. On or about April 6, 1983, respondent corp. filed  
an application for a pharmacy permit to operate a pharmacy  
previously known as College Crest Pharmacy, 525 North Mednick,  
Los Angeles, 90032. After investigation, said application was  
denied by the Board and respondents thereafter requested a  
hearing.

LAW OF THE CASE

5. Section 4350 of the Business and Professions Code<sup>1/</sup> provides in pertinent part that:

Every certificate, license, permit, registration or exemption issued may be suspended or revoked. The board shall refuse a certificate, license, permit, registration or exemption to any applicant guilty of unprofessional conduct. . .

6. Section 4350.5 of the BP code provides in pertinent part:

"The board shall take action against any holder of a certificate, license, permit, registration or exemption who is guilty of unprofessional conduct which has been brought to its attention, or whose certificate, license, permit, registration or exemption has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include but is not limited to the violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of [the California Pharmacy Act] or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board. Unprofessional conduct shall also include but is not limited to the following:

---

1. Hereinafter "BP Code".

" . . .

(b) Gross incompetence

(c) The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(d) Gross negligence.

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of section 11153 of the Health and Safety Code.<sup>2/</sup>

7. BP Code section 4227, subdivision (a), provides no person shall furnish any dangerous drug except upon prescription.

8. BP Code section 4230 provides no person shall possess any schedule II, III or IV controlled substance, as defined in Health and Safety Code section 11007, except as furnished upon prescription.

---

2. Pursuant to Chapter 1284 section 1 of Statutes 1982, section 4350.5 of the Business and Professions Code was amended effective September 22, 1982, to read as above. Said amendments; (1) substituted "applicable federal and state laws and regulations governing pharmacy, including" for "laws governing pharmacy, or of" near the end of the second sentence; (2) added subdivision (e); and (3) redesignated former subdivision (e) to be (f).

1           9. BP Code section 4363 provides in pertinent part  
2 that the violation of any of the statutes of this state  
3 regulating narcotics and dangerous drugs constitutes  
4 unprofessional conduct within the meaning of the Pharmacy Act.

5           10. California Health and Safety Code section  
6 111523/ provides no person shall write, fill, compound, or  
7 dispense a prescription that does not conform to HS Code  
8 section 11000 et seq.

9           11. HS Code section 11153 provides, in pertinent  
10 part, the responsibility for proper prescribing and dispensing  
11 of controlled substances is upon the practitioner, but a  
12 corresponding liability rests with the pharmacist who fills the  
13 prescription.

14           12. HS Code section 11154 provides that except in the  
15 regular practice of his profession, no person shall prescribe,  
16 administer, dispense, or furnish, a controlled substances to or  
17 for any person who is not under his treatment for a pathology  
18 or condition other than addiction to a controlled substance,  
19 except as provided in HS Code section 11100 et seq.

20           13. HS Code section 11157 provides no person shall  
21 issue a prescription that is false or fictitious in any respect.

22           14. HS Code section 11158, subdivision (a) provides,  
23 in pertinent part, no prescription for a schedule II, III, IV  
24 or V controlled substance shall be dispensed without a  
25

26  
27           3. Hereinafter referred to as "HS Code."

1 prescription meeting the requirements of HS Code section  
2 11150-11218, inclusive.

3 15. HS Code section 11171 provides no person shall  
4 prescribe, administer or furnish a controlled substance except  
5 under the conditions and in the manner provided by HS Code  
6 section 11000 et seq.

7 16. HS Code section 11173, subdivision (a) (1),  
8 provides no person shall obtain or attempt to obtain controlled  
9 substances by fraud, deceit, misrepresentation or subterfuge.  
10 Subdivision (b) provides no person shall make a false statement  
11 in any prescription, order, report or record required by HS  
12 Code section 11000 et seq.

13 17. HS Code section 11175 provides no person shall  
14 obtain or possess a controlled substance by means of a  
15 prescription which does not comply with HS Code section 11000  
16 et seq.

17 18. HS Code section 11350 provides it is unlawful to  
18 possess, without prescription, any controlled substances  
19 specified in HS Code section 11055(b) or (c) or any narcotic  
20 classified in schedule III, IV or V. (HS Code §§ 11056, 11057,  
21 11058.)

22 19. HS Code section 11351 provides it is unlawful to  
23 possess for sale any controlled substances specified in HS Code  
24 section 11055 (b) or (c) or any narcotic classified in schedule  
25 III, IV or V.

26 /  
27 /

20. HS Code section 11352 provides it is unlawful to sell or furnish any controlled substance specified in HS Code section 11055 (b) or (c) or any narcotic classified in schedule III, IV or V, except upon prescription.

21. HS Code section 11366 provides it is unlawful to maintain any place for the purpose of unlawfully selling any controlled substance specified in HS Code section 11055 (b) or (c) or any narcotic classified in schedule II, IV or V.

22. HS Code section 11368 provides it is unlawful for any person to obtain or possess any narcotic drug by any forged, fictitious or altered prescription.

23. HS Code section 11371 provides it is unlawful to knowingly violate HS Code sections 11153, 11154, 11155 or 11156 as to a controlled substance specified in HS Code section 11055(b), (c) or (d) or a controlled substance specified in HS Code section 11056(b)(1) or (6) or any narcotic classified in schedule III, IV or V.

24. HS Code section 11371.1 provides it is unlawful to knowingly violate HS Code section 11173 or 11174 as to a controlled substance specified in HS Code 11055(b), (c) or (d) or a controlled substance specified in HS Code section 11056(b)(1) or (6) or any narcotic classified in schedule III, IV or V.

25. HS Code section 11377 provides it is unlawful to possess a non-narcotic schedule III, IV or V controlled substance or any substance specified in HS Code section 11055(d) or (e), unless upon prescription.

1           26. HS Code section 11378 provides that it is  
2 unlawful to possess for sale any non-narcotic schedule III, IV  
3 or V controlled substance or any substance specified in HS Code  
4 section 11055(d).

5           27. HS Code section 11379 provides it is unlawful to  
6 sell or furnish any non-narcotic schedule III, IV or V  
7 controlled substance or any substance specified in HS Code  
8 section 11055(d) unless upon prescription.

9           28. Section 1761 of title 16 of the California  
10 Administrative Code,<sup>4/</sup> a rule and regulation of the board,  
11 provides no pharmacist shall compound or dispense any  
12 prescription which contains any significant error, omission,  
13 irregularity, uncertainty or ambiguity. Section 1761 further  
14 provides that on receipt of any such prescription, the  
15 pharmacist shall contact the prescriber to obtain the  
16 information needed to validate the prescription.

17           29. Section 841(a)(1) of title 21 of the United  
18 States Code<sup>5/</sup> provides that it is unlawful to knowingly or  
19 intentionally manufacture, distribute, or dispense, or possess  
20 with intent to manufacture, distribute, or dispense, a  
21 controlled substance in violation of law.

22           30. Section 844(a) of title 21 of the United States  
23 Code provides it is unlawful to knowingly or intentionally  
24

25  
26           4. Hereinafter "CAC".

27           5. Hereinafter "USC".

1 possess a controlled substance unless obtained directly, or  
2 pursuant to a valid prescription or order from a practitioner  
3 while acting in the course of his professional practice.

4 31. Section 1306.04(a) of title 21 of the Code of  
5 Federal Regulations<sup>6/</sup> provides a prescription for a  
6 controlled substance, to be effective, must be issued for a  
7 legitimate medical purpose by an individual practitioner acting  
8 in the usual course of his professional practice. Section  
9 1306.04(a) further provides the responsibility for the proper  
10 prescribing and dispensing of controlled substances is upon the  
11 prescribing practitioner, but a corresponding responsibility  
12 rests with the pharmacist who fills the prescription. Section  
13 1306.04(a) provides that an order purporting to be a  
14 prescription issued not in the usual course of professional  
15 treatment is not a prescription and the person knowingly  
16 filling such a prescription, as well as the person issuing it,  
17 shall be subject to the penalties provided for violations of  
18 the provisions of law relating to controlled substances.

19 32. BP Code section 4047.5 provides in pertinent part  
20 that a pharmacist cannot dispense any prescription except in a  
21 correctly labeled container.

#### 22 DRUGS

23 33. At all times, relevant here to the following were  
24 controlled substances and/or dangerous drugs classified by  
25 federal and state statutes and regulations as follows:

26 \_\_\_\_\_  
27 6. Hereinafter "CFR".

DRUGS

1  
2 A. APC #4 or Empirin #4, a trade name for aspirin, <sup>pharmaceutical</sup>  
3 <sup>AND CAFFEINE WITH CODEINE & ASPIRIN</sup> with codeine, was classified as a schedule III controlled  
4 substance pursuant to 21 CFR section 1308.13(e)(2) and HS Code  
5 section 11056(d)(2), was a dangerous drug within the meaning of  
6 BP Code section 4211 and was a narcotic.

7 B. Carbital FS, a trade name for pentobarbital 1/2  
8 gr. with carbromal, was classified as a schedule III controlled  
9 substance pursuant to 21 CFR section 1308.13 (c)(1)(iii) and HS  
10 Code section 11056(b)(1) and was a dangerous drug within the  
11 meaning of BP Code section 4211.

12 C. <sup>CHLORAL HYDRATE</sup> Chloralhydrate was classified as a schedule IV  
13 controlled substance pursuant to 21 CFR section 1308.14 (c) <sup>(3)</sup> ~~(4)~~  
14 and HS Code section 11057(b) <sup>3</sup> ~~(4)~~ and was a dangerous drug within  
15 the meaning of BP Code section 4211.

16 D. Citra Forte syrup, a trade name for cough syrup  
17 with hydrocodone, was classified as a schedule III controlled  
18 substance pursuant to 21 CFR section 1308.13 (e)(4) and HS Code  
19 section 11056(d)(4), and a dangerous drug within the meaning of  
20 BP Code section 4211 and was a narcotic.

21 E. Dalmane, a trade name for flurazepam, was  
22 classified as a schedule IV controlled substance pursuant to 21  
23 CFR section 1308.14(c)(10), and was a dangerous drug within the  
24 meaning of BP section 4211.

25 F. Promethazine w/Codeine, a trade name for cough  
26 syrup with codeine, was classified as a schedule V controlled  
27 substance pursuant to 21 CFR section 1308.15 (b)(1) and HS Code

1 section 11058(b)(1), was a dangerous drug within the meaning of  
2 BP Code section 4211 and was a narcotic.

3 G. Doriden, a tradename for <sup>GLUTETHIMIDE</sup> was  
4 classified as a schedule III controlled substance pursuant to  
5 21 CFR <sup>1308.13 (4)(5)</sup> and HS Code section 11056(b)(3) and was a dangerous drug  
6 within the meaning of BP section 4211.

7 H. Tylenol #4, a trade name for acetaminophen with  
8 codeine, was classified as a schedule III controlled substance  
9 pursuant to 21 CFR section 1308.13 (e)(2) and HS Code section  
10 11056(d)(2), was a dangerous drug within the meaning of BP Code  
11 section 4211 and was a narcotic.

12 I. Valium, a trade name for diazepam, was classified  
13 as a schedule IV controlled substance pursuant to 21 CFR  
14 section 1308.14(c)(7) and was a dangerous drug within the  
15 meaning of BP section 4211.

16 J. Diphenhydramine 25 mg. was at all times relevant  
17 hereto as a dangerous drug within the meaning of BP Code  
18 section 4211.

19 K. Benadryl 50 mg. was at all times relevant hereto  
20 as a dangerous drug within the meaning of BP Code section 4211.

21 L. Prolixin Decanoate was at all times relevant.  
22 hereto as a dangerous drug within the meaning of BP Code  
23 section 4211.

24 34. Pursuant to HS Code section 11007, when  
25 "controlled substances" is referred to anywhere but in HS Code  
26 sections 11150-11209, inclusive, it refers to the schedules in  
27 HS Code section 11054-11058; however, when "controlled

substances" is referred to HS Code section 11150-11208, or in any provision of the Uniform Controlled Substances Act (HS Code § 11000 et seq.) specifying penalties for offenses defined in HS Code sections 11150-11208, except offenses punishable under HS Code sections 11371 and 11371.1, "controlled substances" refers to the five federal schedules as said schedules may be revised from time to time.

A-ALPHA MARCH, 1980 - NOVEMBER, 1981

35. Respondents Corporation and Yip are subject to disciplinary action pursuant to BP Code section 4350.5 for unprofessional conduct arising the period March, 1980 through November, 1981 as follows. As participants in the California Medical Assistance Program (Medi-Cal) respondents submitted repeated claims to the Medi-Cal program whereby they requested payment for furnishing controlled substances to the following Medi-Cal beneficiaries on the dates indicated. Said beneficiaries were drug addicts, or abusers, a fact respondent herein knew, or should have known.

A. JOAN B., MEDI-CAL ID NUMBER  
1960-9-527989348

<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
08/30/80	Whittier	Prometmazine	180cc
08/30/80	Whittier	Codeine 4	30
09/18/80	Jacobs	Codeine 4	30
09/18/80	Jacobs	Dalmane	15
10/17/80	Eglin	Codeine 4	30
10/17/80	Eglin	Dalmane	16

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12.

1	12/11/80	Eglin	Codeine 4	30
2	12/22/80	Reed	Codeine 4	30
3	12/31/80	Jacobs	Codeine 4	30
4	01/07/81	Jacobs	Codeine 4	30
5	01/15/81	Jacobs	Codeine 4	30
6	01/22/81	Lomaglio	Codeine 4	30
7	01/28/81	Lomaglio	Codeine 4	30
8	02/06/81	Lomaglio	Codeine 4	30
9	02/13-81	Lomaglio	Codeine 4	30
10	02/22/81	Lomaglio	Codeine 4	30
11	02/27/81	Grant, Orlin	Codeine 4	30
12	03/06/81	Grant, Orlin	Codeine 4	30
13	03/17/81	Daughters	Codeine 4	40
14	03/24/81	Jacobs	Codeine 4	30
15	03/31/81	Jacobs	Codeine 4	30
16	04/08/81	Jacobs	Codeine 4	30
17	04/15/81	Jacobs	Codeine 4	30
18	05/15/81	Lomaglio	Codeine 4	30
19	05/22/81	Kmero	Codeine 4	30
20	05/29/81	Kmero	Codeine 4	30
21	06/05/81	Tatge	Codeine 4	30
22	06/15/81	Lacaille, R.	Codeine 4	30
23	06/23/81	Pastro	Codeine 4	30
24	06/30/81	Lacaille	Codeine 4	30
25	07/08/81	Smolin	Codeine 4	30
26	07/16/81	Smolin	Codeine 4	30
27	07/24/81	Smolin	Codeine 4	30

3512F

13.

1	08/12/81	Daughters	Codeine 4	30
2	08/19/81	Daughters	Codeine 4	30
3	08/19/81	Daughters	Dalmane	15
4	08/26/81	Daughters	Codeine 4	30
5	09/02/81	Daughters	Codeine 4	30
6	09/10/81	Daughters	Codeine 4	30
7	09/18/81	Smolin	Codeine 4	30
8	10/02/81	Smolin	Codeine 4	30
9	10/09/81	-----	Dalmane	15
10	10/09/81	Smolin	Codeine 4	30
11	10/16/81	Smolin	Codeine 4	30
12	10/23/81	Smolin	Codeine 4	30
13	10/30/81	Smolin	Codeine 4	30
14	11/06/81	Smolin	Codeine 4	30
15	11/20/81	Smolin	Codeine 4	30

16

17 B. MARK B., MEDI-CAL ID NUMBER  
196-9-450-86-0450

18	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
19				
20	12/09/80	Elgin	Promethazine	180cc
21	12/09/80	Eglin	Codeine 4	30
22	12/16/80	Eglin	Codeine 4	30
23	12/23/80	Kauffman	Codeine 4	30
24	01/02/81	Orlin	Codeine 4	30
25	01/08/81	Jacobs	Codeine 4	30
26	01/24/81	Lomaglio	Codeine 4	30
27	01/28/81	Orlin	Codeine 4	30

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14.

1	03/07/81	Orlin	Codeine 4	25
2	03/07/81	Orlin	Promethazine	180cc
3	03/17/81	Daughters	Codeine 4	40
4	03/27/81	Lomaglio	Codeine 4	30
5	04/15/81	Lomaglio	Codeine 4	30
6	04/22/81	Jacobs	Codeine 4	20
7	04/22/81	Jacobs	Codeine 3	10
8	04/29/81	Jacobs	Codeine 3	10
9	04/29/81	Jacobs	Codeine 4	20
10	05/12/81	Daughters	Promethazine	180cc
11	05/12/81	Daughters	Codeine 4	30
12	05/19/81	Lomaglio	Codeine 4	30
13	05/26/81	Lomaglio	Codeine 4	30
14	06/03/81	Daughters	Codeine 4	30
15	06/17/81	Daughters	Promethazine	180cc
16	06/17/81	Daughters	Codeine 4	30
17	06/26/81	Daughters	Codeine 4	30
18	07/03/81	Daughters	Codeine 4	30
19	07/09/81	Lomaglio	Codeine 4	30
20	07/16/81	Lomaglio	Codeine 4	30
21	07/23/81	Lomaglio	Codeine 4	30
22	07/30/81	Daughters	Codeine 4	30
23	07/30/81	Daughters	Promethazine	180cc
24	08/06/81	Daughters	Codeine 4	30
25	08/13/81	Daughters	Promethazine	180cc
26	08/13/81	Daughters	Codeine 4	30
27	08/20/81	Daughters	Codeine 4	30

1	08/27/81	Daughters	Codeine 4	30
2	09/11/81	Daughters	Codeine 4	30
3	09/17/81	Daughters	Codeine 4	30
4	09/24/81	Daughters	Codeine 4	30
5	10/01/81	Hanna	Codeine 4	30
6	10/08/81	Hanna	Codeine 4	30
7	10/15/81	Hanna	Codeine 4	30
8	10/22/81	Daughters	Codeine 4	15
9	10/22/81	Daughters	Codeine 3	15
10	10/30/81	Hanna	Codeine 3	15
11	10/30/81	Hanna	Codeine 4	15
12	11/06/81	Lomaglio	Codeine 4	20
13	11/06/81	Lomaglio	Codeine 4	10
14	11/13/81	Daughters	Codeine 4	30
15	11/20/81	Daughters	Codeine 4	30
16	11/20/81	Daughters	Promethazine	180cc
17	11/27/81	Daughters	Codeine 4	30

18 C. ROOSEVELT C., MEDI-CAL ID NUMBER  
19 19-30-1753764-116

20	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
21				
22	04/20/81	Jacobs	Codeine 3	15
23	04/20/81	Jacobs	Codeine 4	15
24	04/29/81	Jacobs	Codeine 3	15
25	04/29/81	Jacobs	Promethazine	180
26	04/29/81	Jacobs	Codeine 4	15
27	05/06/81	Jacobs	Codeine 3	10

3512F

16.

1	05/06/81	Jacobs	Codeine 4	20
2	05/13/81	Jacobs	Codeine 4	20
3	05/13/81	Lomaglio	Codeine 3	10
4	05/20/81	Daughters	Codeine 3	10
5	05/20/81	Daughters	Codeine 3	10
6	05/20/81	Daughters	Codeine 4	20
7	05/27/81	Lomaglio	Codeine 4	15
8	05/27/81	Lomaglio	Codeine 3	15
9	06/03/81	Lomaglio	Codeine 4	30
10	06/10/81	Daughters	Codeine 4	30
11	06/16/81	Daughters	Codeine 4	30
12	06/23/81	Daughters	Codeine 4	30
13	06/30/81	Daughters	Codeine 4	30
14	07/07/81	Lomaglio	Codeine 4	30
15	07/13/81	Smolin	Codeine 4	30
16	07/20/81	Smolin	Codeine 4	30
17	08/01/81	Daughters	Promethazine	180cc
18	08/01/81	Daughters	Codeine 4	30
19	08/07/81	Daughters	Codeine 4	30
20	08/07/81	Daughters	Promethazine	180
21	08/12/81	Daughters	Codeine 4	30
22	08/17/81	Smolin	Codeine 4	30
23	08/24/81	Smolin	Codeine 4	30
24	08/31/81	Smolin	Codeine 4	30
25	09/08/81	Smolin	Codeine 4	30
26	09/14/81	Smolin	Codeine 4	30
27	09/21/81	Smolin	Codeine 4	30

3512F

17.

1	09/28/81	Smolin	Codeine 4	30
2	10/05/81	Smolin	Codeine 4	30
3	10/12/81	Smolin	Codeine 4	30
4	10/19/81	Smolin	Codeine 4	30
5	10/26/81	Smolin	Codeine 4	30
6	11/02/81	Smolin	Codeine 4	30
7	11/09/81	Smolin	Dalmane	15
8	11/09/81	Smolin	Codeine 4	30
9	11/16/81	Smolin	Codeine 4	30
10	11/23/81	Smolin	Codeine 4	30
11	11/30/81	Smolin	Codeine 4	30

12 D. SHALLIE C., MEDI-CAL ID NUMBER  
13 1984-3524372-319

14	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
15				
16	09/27/80	Lomaglio	Codeine 4	20
17	10/10/80	Wong	Codeine 4	30
18	10/30/80	Elgin	Codeine 4	30
19	11/15/80	Goldberg	Codeine 4	30
20	11/24/80	Jacobs	Codeine 4	30
21	12/12/80	Kopferschmidt	Codeine 4	30
22	12/20/80	Kopferschmidt	Codeine 4	30
23	12/29/80	Jacobs	Codeine 4	25
24	03/07/81	OC0220650	Codeine 4	30
25	04/11/81	Daughters	Codeine 4	30
26	04/18/81	Daughters	Codeine 4	30
27	04/25/81	Daughters	Codeine 4	30

3512F

18.

1	05/02/81	Daughters	Codeine 4	30
2	05/08/81	Daughters	Codeine 4	30
3	05/18/81	Daughters	Codeine 4	30
4	05/26/81	Daughters	Codeine 4	30
5	06/01/81	Atluri	Codeine 4	30
6	06/09/81	Lomaglio	Codeine 4	30
7	06/17/81	Lomaglio	Codeine 4	30
8	06/24/81	Daughters	Codeine 4	30
9	07/06/81	Smolin	Codeine 4	30
10	07/15/81	Daughters	Codeine 4	30
11	08/04/81	Daughters	Codeine 4	30
12	08/14/81	Daughters	Codeine 4	30
13	08/21/81	Daughters	Codeine 4	30
14	08/28/81	Daughters	Codeine 4	30
15	09/08/81	Daughters	Codeine 4	30
16	09/18/81	Daughters	Codeine 4	30
17	09/25/81	Daughters	Codeine 4	30
18	10/01/81	Smolin	Codeine 4	30
19	10/08/81	Smolin	Codeine 4	30
20	10/15/81	Smolin	Codeine 4	30
21	10/29/81	Smolin	Codeine 4	30
22	11/09/81	Smolin	Codeine 4	30
23	11/16/81	Smolin	Codeine 4	30
24	11/23/81	Smolin	Codeine 4	30
25	11/23/81	Smolin	Dalmane	15
26	11/30/81	Smolin	Codeine 4	24
27			/	

1 E. CHARLES C., MEDI-CAL ID NUMBER  
2 19-80-5852731-114

3	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
4	08/18/80	Whittier	Codeine 4	30
5	08/18/80	Whittier	Promethazine	180
6	08/25/80	Whittier	Codeine 4	30
7	08/25/80	Whittier	Promethazine	120
8	09/02/80	Whittier	Codeine 4	30
9	09/08/80	Whittier	Codeine 4	30
10	09/15/80	Lomaglio	Promethazine	240
11	09/15/80	Lomaglio	Codeine 4	30
12	09/22/80	Wong	Codeine 4	25
13	09/29/80	Lomaglio	Promethazine	240
14	09/29/80	Lomaglio	Codeine 4	25
15	10/06/80	Wong	Codeine 4	30
16	10/13/80	Eglin	Codeine 4	30
17	10/20/80	Eglin	Codeine 4	30
18	10/27/80	Eglin	Codeine 4	30
19	11/03/80	Jacobs A	Codeine 4	30
20	11/10/80	Jacobs A	Dalmane	10
21	11/28/80	Kupferschmidt	Codeine 4	30
22	11/28/80	Kupferschmidt	Promethazine	180
23	12/10/80	Eglin	Codeine 4	30
24	12/10/80	Eglin	Codeine 4	30
25	12/24/80	Grant, Orlin	Codeine 4	30
26	12/30/80	Grant, Orlin	Codeine 4	60
27	01/07/81	Jacobs	Codeine 4	30

3512F

20.

1	01/13/81	Grant, Orlin	Codeine 4	30
2	01/21/81	Grant, Orlin	Codeine 4	30
3	01/28/81	Lomaglio	Codeine 4	30
4	02/06/81	Grant, Orlin	Codeine 4	30
5	02/13/81	Grant, Orlin	Codeine 4	30
6	03/16/81	Daughters	Codeine 4	40
7	03/20/81	Daughters	Codeine 4	30
8	03/28/81	Lomaglio	Codeine 4	30
9	04/03/81	Daughters	Codeine 4	30
10	04/13/81	Jacobs	Codeine 4	30
11	04/21/81	Jacobs	Codeine 4	30
12	05/11/81	Jacobs	Codeine 4	30
13	05/18/81	Daughters	Promethazine	180cc
14	05/18/81	Daughters	Codeine 4	30
15	05/26/81	Daughters	Codeine 4	30
16	07/08/81	Daughters	Codeine 4	30
17	07/20/81	Lomaglio	Codeine 4	30
18	08/03/81	Daughters	Codeine 4	30
19	08/17/81	Daughters	Codeine 4	30
20	08/24/81	Daughters	Codeine 4	30
21	09/21/81	Daughters	Codeine 4	30
22	10/14/81	Daughters	Codeine 4	30
23	10/22/81	Smolin	Codeine 4	30
24	10/29/81	Daughters	Codeine 3	10
25	10/29/81	Daughters	Codeine 4	20
26	11/16/81	Smolin	Codeine 4	30
27	11/23/81	Smolin	Codeine 4	30

3512F

21.

DATE	PHYSICIAN	DRUG/STRENGTH	QUALITY
11/30/81	Smolin	Codeine 4	30
F. NORMAN C., MEDI-CAL ID NUMBER 1980-530939-115			
10/24/80	Kupferschmidt	Empirin 4	30
10/24/80	Kupferschmidt	Dalmane	30
10/31/80	Eglin	Empirin 4	30
10/31/80	Eglin	Dalmane	12
11/04/80	Jacobs	Empirin 4	30
11/11/80	Jacobs	Empirin 4	30
11/17/80	Jacobs	Empirin 4	30
11/24/80	Kupferschmidt	Empirin 4	30
12/01/80	Jacobs	Empirin 4	30
12/08/80	Orlin	Empirin 4	30
12/15/80	Orlin	Empirin 4	30
12/22/80	Reed	Empirin 4	30
12/29/80	Jacobs	Empirin 4	30
01/05/81	Jacobs	Empirin 4	30
01/12/81	Jacobs	Empirin 4	30
01/16/81	Jacobs	Empirin 4	30
01/19/81	Finkel	Empirin 4	30
01/26/81	Lomaglio	Empirin 4	30
02/03/81	Lomaglio	Empirin 4	30
02/10/81	Orlin	Empirin 4	30
02/17/81	Lomaglio	Empirin 4	30
02/24/81	Lomaglio	Empirin 4	30

3512F

22.

1	03/03/81	Lomaglio	Empirin 4	30
2	03/10/81	Lomaglio	Empirin 4	40
3	03/20/81	Daughters	Empirin 4	30
4	03/27/81	Lomaglio	Empirin 4	30
5	04/03/81	Daughters	Empirin 4	30
6	04/10/81	Daughters	Empirin 4	30
7	04/10/81	Daughters	Dalmane 3	30
8	04/17/81	Bare	Empirin 4	30
9	04/24/81	Daughters	Empirin 4	30
10	05/01/81	Daughters	Empirin 4	30
11	05/01/81	Daughters	Dalmane	15
12	05/08/81	Daughters	Empirin 4	30
13	05/13/81	Lomaglio	Dalmane	15
14	05/13/81	Lomaglio	Empirin 4	25
15	05/21/81	Lomaglio	Empirin 4	30
16	05/29/81	Khero	Empirin 4	30
17	06/08/81	Hodson	Empirin 4	30
18	06/15/81	Lacaille	Empirin 4	30
19	07/07/81	Smolin	Empirin 4	30
20	07/15/81	Smolin	Empirin 4	30
21	07/23/81	Smolin	Empirin 4	30
22	08/24/81	Daughters	Empirin 4	30
23	08/31/81	Daughters	Empirin 4	30
24	09/04/81	Smolin	Empirin 4	30
25	09/04/81	Smolin	Dalmane	15
26	09/11/81	Smolin	Empirin 4	30
27			/	

3512F

23.

G. WILLIE D., MEDI-CAL ID NUMBER  
1960-9421127-945

	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
3				30
4	08/05/80	Whittier	Dalmane	
5	08/05/80	Whittier	Codeine	15
6	08/05/80	Whitter	Codeine	15
7	08/05/80	Whittier	Prometmazine Expt	
8	08/12/80	Lomaglio	Codeine	15
9	08/12/80	Lomaglio	Codeine	15
10	08/12/80	Lomaglio	Dalmane	15
11	09/16/80	Lomaglio	Codeine	30
12	09/16/80	Lomaglio	Dalmane	15
13	09/22/80	Lomaglio	Codeine	30
14	09/29/80	Wong	Promethazine Expt	
15	09/29/80	Wong	Codeine	25
16	10/06/80	Lomaglio	Promethazine Expt	
17	10/06/80	Lomaglio	Codeine	30
18	10/13/80	Eglin	Promethazine Expt	
19	10/13/80	Eglin	Codeine	30
20	10/22/80	Eglin	Codeine	30
21	11/01/80	Jacobs	Codeine	30
22	11/01/80	Jacobs	Dalmane	15
23	11/08/80	Kupferschmidt	Codeine	30
24	11/17/80	Jabobs	Codeine	30
25	11/21/80	Kuperschmidt	Codeine	30
26	12/22/80	Kauffman	Codeine	30
27	12/22/80	Kauffman	Promethazine Expt	

3512F

24.

1	01/05/81	Grant	Promethazine Expt	
2	01/05/81	Grant	Codeine	30
3	01/13/81	Grant	Codeine	30
4	01/21/81	Grant	Codeine	30
5	03/25/81	Finkelstein	Codeine	30
6	H. CATHERINE E., MEDI-CAL ID NUMBER 1984-3795453-123			
7	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
8				
9	04/24/81	Jacobs	Codeine 4	30
10	04/30/81	Jacobs	Codeine 4	15
11	04/30/81	Jacobs	Codeine 3	15
12	05/06/81	Lomaglio	Codeine 4	40
13	05/06/81	Lomaglio	Promethazine	180cc
14	05/12/81	Lomaglio	Promethazine	180cc
15	05/12/81	Lomaglio	Codeine 4	40
16	05/19/81	Lomaglio	Codeine 4	30
17	05/26/81	Carlo	Codeine 4	30
18	06/02/81	Lacaille	Codeine 4	30
19	06/09/81	Lacaille	Codeine 4	30
20	06/09/81	Lacaille	Promethazine	180
21	06/15/81	Lacaille	Codeine 4	30
22	06/23/81	Lacaille	Codeine 4	30
23	06/23/81	Lacaille	Codeine 4	30
24	06/23/81	Lacaille	Promethazine	120
25	07/01/81	Smolin	Codeine 4	30
26	07/08/81	Smolin	Codeine 4	30
27	07/15/81	Smolin	Codeine 4	30

3512F

25.

1	07/22/81	Smolin	Codeine 4	30
2	07/29/81	Smolin	Codeine 4	30
3	07/29/81	OC3944900	Codeine 4	30
4	07/29/81	OC3944900	Codeine 3	10
5	07/30/81	OC3944900	Codeine 4	10
6	08/05/81	Smolin	Dalmane	15
7	08/05/81	Smolin	Codeine 4	30
8	08/12/81	Smolin	Codeine 4	30
9	08/19/81	Smolin	Codeine 4	30
10	08/19/81	Smolin	Dalmane	15
11	08/26/81	Smolin	Codeine 4	30
12	08/26/81	Smolin	Dalmane	15
13	08/26/81	Nelson	Ambenyl	240
14	09/02/81	Smolin	Codeine 4	30
15	09/09/81	Smolin	Codeine 4	30
16	09/16/81	Smolin	Codeine 4	30
17	09/23/81	Smolin	Codeine 4	30
18	09/30/81	Smolin	Codeine 4	30
19	10/05/81	Smolin	Codeine 4	30
20	10/14/81	Smolin	Codeine 4	30
21	10/21/81	Smolin	Codeine 4	30
22	10/28/81	Smolin	Codeine 4	30
23	11/04/81	Smolin	Codeine 4	30
24	11/11/81	Smolin	Codeine 4	30
25	11/18/81	Smolin	Codeine 4	30
26	11/25/81	Smolin	Codeine 4	30
27			/	

1 I. MARK F., MEDI-CAL ID NUMBER  
2 1980-5442594-110

3	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
4	06/09/81	Lomaglio	Codeine 4	20
5	06/19/81	Daughters	Promethazine	180cc
6	06/19/81	Daughters	Codeine 4	30
7	06/26/81	Lomaglio	Codeine 4	30
8	07/13/81	Lomaglio	Codeine 4	30
9	07/27/81	Lomaglio	Codeine 4	30
10	07/27/81	Lomaglio	Promethazine	180cc
11	07/30/81	Daughters	Codeine 4	30
12	08/14/81	Daughters	Codeine 4	30
13	08/14/81	Daughters	Promethazine	180cc
14	08/24/81	Daughters	Codeine 4	30
15	08/24/81	Daughters	Dalmane	15
16	09/14/81	Daughters	Codeine 4	30
17	09/14/81	Daughters	Dalmane	15
18	09/22/81	Daughters	Dalmane	15
19	09/22/81	Daughters	Codeine 4	30
20	10/20/81	Daughters	Codeine 4	20
21	10/20/81	Daughters	Codeine 4	10
22	11/16/81	Daughters	Promethazine	180cc

23 J. HELEN G., MEDI-CAL ID NUMBER  
24 3960-9556820-906

25	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
26				
27	04/27/81	Daughters	Codeine 4	30

3512F

27.

1	05/05/81	Jacobs	Codeine 4	30
2	05/11/81	Daughters	Codeine 4	30
3	05/15/81	Daughters	Codeine 4	30
4	05/23/81	Daughters	Codeine 4	30
5	6/04/81	Lomaglio	Codeine 4	30
6	06/04/81	Lomaglio	Dalmane	15
7	06/12/81	Daughters	Codeine 4	30
8	06/19/81	Daughters	Codeine 4	30
9	06/19/81	Daughters	Dalmane	15
10	06/26/81	Daughters	Codeine 4	30
11	07/02/81	Lomaglio	Codeine 4	30
12	07/09/81	Daughters	Dalmane	15
13	07/09/81	Daughters	Codeine 4	30
14	07/16/81	Lomaglio	Codeine 4	30
15	07/23/81	Lomaglio	Codeine 4	30
16	07/29/81	Daughters	Codeine 4	30
17	07/29/81	Daughters	Codeine 4	30
18	08/06/81	Smolin	Dalmane	15
19	08/06/81	Smolin	Codeine 4	30
20	08/13/81	Smolin	Codeine 4	30
21	08/13/81	Smolin	Dalmane	15
22	08/20/81	Smolin	Dalmane	15
23	08/20/81	Smolin	Codeine 4	30
24	08/27/81	Smolin	Codeine 4	40
25	09/03/81	Smolin	Codeine 4	30
26	09/10/81	Smolin	Codeine 4	30
27	09/10/81	Smolin	Dalmane	15

3512F

28.

1	09/17/81	Smolin	Codeine 4	30
2	09/17/81	Smolin	Dalmane	15
3	09/17/81	Smolin	Promethazine	180cc
4	09/24/81	Smolin	Codeine 4	30
5	10/02/81	Finkelstein	Promethazine	240cc
6	10/02/81	Finkelstein	Codeine 4	30
7	10/08/81	Smolin	Codeine 4	30
8	10/15/81	Smolin	Dalmane	15
9	10/15/81	Smolin	Codeine 4	30
10	10/21/81	Smolin	Chloral Hydrate	15
11	10/21/81	Smolin	Codeine 4	30
12	11/06/81	Smolin	Chloral Hydrate	15
13	11/06/81	Smolin	Codeine 4	30
14	11/17/81	Smolin	Codeine 4	30
15	11/17/81	Smolin	Chloral Hydrate	15
16	11/24/81	Smolin	Codeine 4	30
17	11/24/81	Smolin	Chloral Hydrate	15

18 K. WILLOUGHBY M., MEDI-CAL ID NUMBER  
19 1984-5062621-115

	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
21	01/12/80	Rostad, William	Empirin 4	30
22				
23	01/19/80	00A020090	Empirin 4	30
24	01/26/80	Rostad	Empirin 4	30
25	02/05/80	Whittier	Empirin 4	30
26	02/12/80	Whittier	Empirin 4	30
27	02/18/80	Whittier	Empirin 4	30

3512F

29.

1	02/28/80	Whittier	Empirin 3	10
2	02/28/80	Whittier	Empirin 4	20
3	04/18/80	Whittier	Empirin 4	30
4	04/25/80	Whittier	Empirin 4	30
5	05/02/80	Whittier	Empirin 4	30
6	05/09/80	Whittier	Empirin 4	30
7	05/16/80	Whittier	Empirin 4	30
8	05/24/80	Whittier	Empirin 4	30
9	05/31/80	Padden	Empirin 4	30
10	06/09/80	Finkelstein	Empirin 4	30
11	07/19/80	Finkelstein	Empirin 4	30
12	07/25/80	Finkelstein	Empirin 4	30
13	07/31/80	Finkelstein	Empirin 4	30
14	08/11/80	Finkelstein	Empirin 4	30
15	08/16/80	Finkelstein	Empirin 4	20
16	08/25/80	Finkelstein	Empirin 4	20
17	09/04/80	Finkelstein	Empirin 4	30
18	09/11/80	Finkelstein	Empirin 4	30
19	09/18/80	Finkelstein	Empirin 4	20
20	10/09/80	Finkelstein	Empirin 4	20
21	10/16/80	Finkelstein	Empirin 4	20
22	10/23/80	Finkelstein	Empirin 4	20

L. JAMES H., MEDI-CAL ID NUMBER  
1984-5309034-114

	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
25				
26				
27	01/14/80	OG0220650	Codeine 4	30

3512F

30.

1	01/20/80	Finkelstein	Codeine 4	30
2	01/20/80	Finkelstein	Codeine 4	30
3	03/30/80	Finkelstein	Dalmane	10
4	03/30/80	Finkelstein	Codeine 4	30
5	04/28/80	Finkelstein	Codeine 4	20
6	04/28/80	Finkelstein	Dalmane	10
7	05/19/80	Finkelstein	Codeine 4	30
8	08/04/80	Knebel	Codeine 4	50
9	08/04/80	Knebel	Codeine 4	30
10	08/18/80	Finkelstein	Codeine 4	20
11	08/25/80	Finkelstein	Codeine 4	20
12	09/19/80	Finkelstein	Codeine 4	20
13	09/24/80	Smolin	Codeine 4	30
14	09/24/80	Smolin	Dalmane	15
15	10/09/80	Smolin	Dalmane	15
16	10/09/80	Smolin	Codeine 4	30
17	10/26/80	Smolin	Codeine 4	30
18	10/26/80	Smolin	Codeine 3	15

19 M. ELLIS H., MEDICAL ID NUMBER  
20 1980-3529584-114

21	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
22				
23	06/16/80	Whittier	Empirin 4	10
24	06/16/80	Whittier	Empirin 4	20
25	06/16/80	Whittier	Dalmane 3	30
26	06/23/80	Whittier	Dalmane 3	30
27	06/23/80	Whittier	Empirin 4	30

3512F

31.

1	07/25/80	Whittier	Empirin 4	30
2	08/04/80	Whittier	Empirin 4	30
3	09/30/80	Lomaglio	Empirin 4	25
4	09/30/80	Lomaglio	Dalmane 3	15
5	10/14/80	Eglin	Empirin 4	30
6	10/28/80	Kupferschmidt	Empirin 4	30
7	11/04/80	Jacobs	Empirin 4	30
8	11/10/80	Jacobs	Empirin 4	30
9	11/17/80	Jacobs	Empirin 4	30
10	11/17/80	Finkelstein	Empirin 4	20
11	11/24/80	Finkelstein	Empirin 4	20
12	12/03/80	Finkelstein	Empirin 4	20
13	12/11/80	Finkelstein	Empirin 4	20
14	12/18/80	Finkelstein	Empirin 4	20
15	01/02/81	Finkelstein	Empirin 4	20
16	01/22/81	Finkelstein	Empirin 4	20
17	01/31/81	Finkelstein	Empirin 4	20
18	02/18/81	Finkelstein	Empirin 4	20
19	02/25/81	Finkelstein	Empirin 4	20
20	03/13/81	Finkelstein	Dalmane	10
21	03/13/81	Finkelstein	Empirin 4	20
22	03/28/81	Finkelstein	Empirin 4	20
23	04/23/81	Finkelstein	Empirin 4	20
24	06/02/81	Finkelstein	Empirin 4	20
25	06/09/81	Finkelstein	Empirin 4	20
26	06/16/81	Finkelstein	Empirin 4	20
27	06/30/81	Finkelstein	Empirin 4	15

3512F

32.

1 N. CLARENCE J., MEDI-CAL ID NUMBER  
2 1960-9-547426500

3	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
4	02/24/81	Lomaglio	Codeine 4	30
5	03/03/81	Lomaglio	Codeine 4	30
6	03/10/81	Daughters	Codeine 4	40
7	03/19/81	Jacobs	Codeine 4	30
8	03/25/81	Jacobs	Codeine 4	30
9	04/06/81	Jacobs	Codeine 4	30
10	04/14/81	Jacobs	Codeine 4	30
11	04/20/81	Jacobs	Codeine 4	30
12	04/27/81	Daughters	Codeine 4	30
13	05/04/81	Jacobs	Codeine 4	30
14	05/09/81	Lomaglio	Codeine 4	30
15	05/09/81	Lomaglio	Promethazine	180cc
16	05/11/81	Jacobs	Codeine 4	30
17	05/16/81	Lomaglio	Codeine 4	30
18	05/18/81	Daughters	Codeine 4	30
19	05/23/81	Khere	Codeine 4	30
20	05/26/81	Daughters	Codeine 4	30
21	05/30/81	Khere	Codeine 4	30
22	06/01/81	Lomaglio	Codeine 4	30
23	06/06/81	Tatge	Codeine 4	30
24	06/08/81	Daughters	Codeine 4	30
25	06/15/81	Daughters	Codeine 4	30
26	06/22/81	Lomaglio	Codeine 4	30
27	06/29/81	Daughters	Codeine 4	30

3512F

33.

1	07/07/81	Daughters	Codeine 4	30
2	07/24/81	Jordan	Codeine 4	30
3	07/20/81	Lomaglio	Codeine 4	30
4	07/27/81	Lomaglio	Codeine 4	30
5	08/03/81	Macias	Codeine 4	30
6	08/03/81	Jordan	Codeine 4	30
7	08/10/81	Daughters	Codeine 4	30
8	08/17/81	Daughters	Codeine 4	30
9	08/24/81	Jordan	Codeine 4	30
10	08/31/81	Jordan	Codeine 4	30
11	09/05/81	Finkelstein	Promethazine	240cc
12	09/05/81	Finkelstein	Codeine 4	30
13	09/08/81	Jordan	Codeine 4	30
14	09/12/81	Finkelstein	Codeine 4	30
15	09/15/81	Jordan	Codeine 4	30
16	09/29/81	Jordan	Codeine 4	30
17	10/01/81	Finkelstein	Codeine 4	30
18	10/19/81	Finkelstein	Codeine 4	30
19	11/03/81	Finkelstein	Codeine 4	20
20	11/06/81	Jordan	Codeine 4	30
21	11/06/81	Jordan	Dalmane	15
22	11/10/81	Finkelstein	Codeine 4	15
23	11/24/81	Boone	Codeine 4	20
24			/	
25			/	
26			/	
27			/	

1 O. RAYMONDO M., MEDI-CAL ID NUMBER  
2 1988-2243713-115

3	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
4	06/28/80	Whittier	Empirin 4	30
5	07/11/80	Whittier	Empirin 4	30
6	07/14/80	Whittier	Empirin 4	30
7	07/23/80	Whittier	Empirin 4	30
8	07/29/80	Whittier	Empirin 4	30
9	09/15/80	Lomaglio	Empirin 4	30
10	09/22/80	Wong	Empirin 4	25
11	02/03/80	Lomaglio	Empirin 4	30
12	02/11/80	Grant, O	Empirin 4	30
13	02/18/80	Grant, O	Empirin 4	30
14	02/25/80	Grant, O	Empirin 4	30
15	03/19/80	Daughters	Empirin 4	30
16	04/02/80	Jacobs	Empirin 4	30
17	04/09/80	Jacobs	Empirin 4	30
18	04/16/80	Jacobs	Empirin 4	30
19	04/23/80	Jacobs	Empirin 4	30
20	04/30/80	Jacobs	Empirin 4	30
21	05/07/80	Jacobs	Empirin 4	30
22	05/14/80	Jacobs	Empirin 4	30
23	05/21/80	Daughters	Empirin 4	30
24	05/28/80	Daughters	Empirin 4	30
25	06/04/80	Lomaglio	Empirin 4	30
26	06/18/80	Daughters	Empirin 4	30
27	06/18/80	Daughters	Dalmane	15

3512F

35.

1	06/18/80	Daughters	Promethazine	180
2	06/30/80	Lagaille, R	Empirin 4	30
3	P. ROSE M., MEDI-CAL ID NUMBER			
4	1980-3514041-121			
5	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
6				
7	10/28/80	Eglin	Codeine 4	30
8	10/28/80	Eglin	Dalmane	12
9	11/11/80	Jacobs	Dalmane	10
10	11/11/80	Jacobs	Codeine 4	30
11	11/25/80	Jacobs	Codeine 4	30
12	12/02/80	Jacobs	Codeine 4	30
13	12/09/80	Eglin	Codeine 4	30
14	12/20/80	Kuperschmidt	Codeine 4	30
15	12/29/80	Jacobs	Codeine 4	30
16	01/03/81	Grant, O	Codeine 4	30
17	01/20/81	Finkelstein	Codeine 4	30
18	01/29/81	Lomaglio	Codeine 4	30
19	02/05/81	Lomaglio	Codeine 4	30
20	02/05/81	Lomaglio	Dalmane	15
21	02/19/81	Lomaglio	Codeine 4	30
22	02/19/81	Lomaglio	Dalmane	15
23	02/26/81	Lomaglio	Codeine 4	30
24	03/05/81	Lomaglio	Codeine 4	40
25	03/05/81	Lomaglio	Dalmane	15
26	03/14/81	Daughters	Codeine 4	40
27	03/21/81	Daughters	Codeine 4	30

3512F

36.

1	03/21/81	Daughters	Dalmane	15
2	03/30/81	Jacobs	Codeine 4	30
3	04/09/81	Jacobs	Codeine 4	30
4	04/21/81	Jacobs	Codeine 4	30
5	04/28/81	Jacobs	Codeine 4	30
6	05/05/81	Daughters	Dalmane	15
7	05/05/81	Daughters	Codeine 4	30
8	05/12/81	Daughters	Codeine 4	30
9	05/26/81	Lomaglio	Codeine 4	30
10	06/03/81	Lomaglio	Codeine 4	30
11	06/10/81	Daughters	Codeine 4	30
12	06/17/81	Lomaglio	Codeine 4	30
13	06/24/81	Daughters	Codeine 4	30
14	06/30/81	Daughters	Codeine 4	30
15	06/30/81	Daughters	Promethazine	180
16	06/30/81	Daughters	Dalmane	15
17	07/07/81	Daughters	Codeine 4	30
18	07/14/81	Lomaglio	Codeine 4	30
19	07/28/81	Daughters	Dalmane	15
20	07/28/81	Daughters	Codeine 4	30
21	08/04/81	Daughters	Codeine 4	30
22	08/11/81	Daughters	Codeine 4	30
23	08/18/81	Daughters	Codeine 4	30
24	08/25/81	Daughters	Dalmane	15
25	08/25/81	Daughters	Codeine 4	30
26	08/31/81	Daughters	Codeine 4	30
27	08/31/81	Daughters	Dalmane	15

1	09/08/81	Daughters	Codeine 4	30
2	09/15/81	Daughters	Dalmane	15
3	09/15/81	Daughters	Codeine 4	30
4	09/22/81	Daughters	Codeine 4	30
5	09/22/81	Daughters	Dalmane	15
6	09/29/81	Daughters	Codeine 4	30
7	09/29/81	Daughters	Dalmane	15
8	10/06/81	Smolin	Codeine 4	30
9	10/13/81	Daughters	Codeine 4	30
10	10/20/81	Daughters	Codeine 4	15
11	10/20/81	Daughters	Codeine 3	15
12	10/27/81	Daughters	Codeine 4	15
13	10/27/81	Daughters	Codeine 3	15

Q. EARL N., MEDI-CAL ID NUMBER  
1980-3522706-112

	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
16				
17				
18	08/21/80	Whittier	Codeine 4	30
19	09/11/80	Jacobs	Codeine 4	30
20	10/16/80	Eglin	Dalmane	14
21	10/16/80	Eglin	Codeine 4	30
22	10/27/80	Eglin	Codeine 4	30
23	11/21/80	Kupferschmidt	Codeine 4	30
24	07/02/81	Lomaglio	Codeine 4	20
25	07/02/81	Lomaglio	Codeine 3	10
26	07/10/81	Daughters	Codeine 4	30
27	07/10/81	Daughters	Promethazine Plain	180cc

3512F

38.

1	07/24/81	Lomaglio	Promethazine Plain	180cc
2	07/24/81	Lomaglio	Codeine 4	25
3	07/31/81	Daughters	Codeine 4	30
4	08/07/81	Daughters	Codeine 4	30
5	08/07/81	Daughters	Motrin	30
6	08/19/81	Smolin	Codeine 4	30
7	08/24/81	Daughters	Codeine 4	30
8	08/31/81	Daughters	Codeine 4	30
9	08/31/81	Daughters	Dalmane	15
10	08/31/81	Daughters	Codeine 4	30
11	09/04/81	Smolin	Codeine 4	30
12	09/04/81	Smolin	Dalmane	15
13	09/09/81	Daughters	Dalmane	15
14	09/09/81	Daughters	Codeine 4	30
15	09/11/81	Smolin	Codeine 4	30
16	09/11/81	Smolin	Dalmane	15
17	09/23/81	Daughters	Codeine 4	30
18	09/25/81	Smolin	Dalmane	15
19	09/25/81	Smolin	Codeine 4	30
20	09/30/81	Daughters	Codeine 4	30
21	10/15/81	Daughters	Codeine 4	30
22	11/13/81	Daughters	Codeine 4	30
23	11/20/81	Daughters	Codeine 4	30
24	11/30/81	Daughters	Codeine 4	30
25			/	
26			/	
27			/	

1 R. BARBARA P., MEDI-CAL ID NUMBER  
2 1960-9-566-68-6278

3	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
4	03/18/80	Jacobs	Codeine 4	30
5	03/30/80	Jacobs	Codeine 4	10
6	03/30/80	Jacobs	Codeine 4	20
7	04/09/80	Jacobs	Codeine 3	10
8	04/09/80	Jacobs	Codeine 4	20
9	04/16/80	Jacobs	Codeine 4	20
10	04/16/80	Jacobs	Codeine 3	10
11	04/23/80	Jacobs	Codeine 3	10
12	04/23/80	Jacobs	Codeine 4	20
13	04/30/80	Daughters	Codeine 4	20
14	04/30/80	Daughters	Codeine 3	10
15	05/07/80	Jacobs	Codeine 3	10
16	05/07/80	Jacobs	Codeine 4	20
17	05/14/80	Jacobs	Codeine 3	10
18	05/14/80	Jacobs	Codeine 4	20
19	05/21/80	Daughters	Codeine 4	30
20	05/29/80	Daughters	Codeine 4	30
21	06/12/80	Daughters	Codeine 4	30
22	06/19/80	Daughters	Codeine 4	30
23	06/26/80	Daughters	Codeine 4	30
24	07/03/80	Daughters	Codeine 4	30
25	07/10/80	Daughters	Codeine 4	30
26	07/17/80	Lomaglio	Codeine 4	25
27	07/17/80	Lomaglio	Codeine 4	5

3512F

40.

1	07/24/80	Lomaglio	Codeine 4	25
2	07/24/80	Lomaglio	Codeine 3	5
3	07/31/80	Smolin	Codeine 4	30
4	08/07/80	Daughters	Codeine 4	30
5	08/14/80	Daughters	Codeine 4	30
6	08/21/80	Daughters	Codeine 4	30
7	08/28/80	Daughters	Codeine 4	30
8	09/08/80	Bakauiak	Codeine 4	30
9	06/16/80	Daughters	Codeine 4	30
10	09/23/80	Hanna	Codeine 4	30
11	09/30/80	Daughters	Codeine 4	30
12	10/08/80	Daughters	Codeine 4	30
13	10/17/80	Daughters	Codeine 4	15
14	11/05/80	Maher	Codeine 3	10
15	11/05/80	Maher	Codeine 4	20
16	11/14/80	Hanna	Codeine 4	30
17	11/21/80	Daughters	Codeine 4	30
18	11/28/80	Daughters	Codeine 4	30

19 S. EDDIE R., MEDI-CAL ID NUMBER  
20 1984-3219439-110

	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
21				
22				
23	09/09/80	Lomaglio	Codeine 4	30
24	10/02/80	Lomaglio	Codeine 4	25
25	10/14/80	Eglin	Codeine 4	30
26	10/22/80	Eglin	Codeine 4	30
27	11/06/80	Jacobs	Codeine 4	30

3512F

41.

1	11/13/80	Jacobs	Codeine 4	30
2	11/20/80	Jacobs	Codeine 4	30
3	11/26/80	Jacobs	Codeine 4	30
4	12/04/80	Jacobs	Codeine 4	30
5	12/11/80	Eglin	Codeine 4	30
6	12/18/80	Eglin	Codeine 4	30
7	01/02/81	Smolin	Codeine 4	30
8	01/08/81	Jacobs	Codeine 4	30
9	01/15/81	Jacobs	Codeine 4	30
10	01/22/81	Lomaglio	Codeine 4	30
11	02/13/81	Lomaglio	Codeine 4	30
12	02/20/81	Lomaglio	Codeine 4	30
13	02/27/81	Lomaglio	Codeine 4	30
14	03/06/81	Lomaglio	Codeine 4	30
15	03/16/81	Daughters	Codeine 4	40
16	03/26/81	Jacobs	Codeine 4	30
17	04/02/81	Jacobs	Codeine 4	30
18	04/09/81	Jacobs	Codeine 4	30
19	04/16/81	Jacobs	Codeine 4	30
20	04/23/81	Jacobs	Codeine 4	30
21	04/30/81	Daughters	Codeine 4	30
22	05/07/81	Jacobs	Codeine 4	30
23	05/14/81	Jacobs	Codeine 4	30
24	05/21/81	Lomaglio	Codeine 4	30
25	05/28/81	Daughters	Codeine 4	30
26	06/04/81	Daughters	Codeine 4	30
27	06/19/81	Daughters	Codeine 4	30

3512F

42.

1	6/26/81	Lomaglio	Codeine 4	30
2	09/24/81	Daughters	Codeine 4	30
3	10/08/81	Hanna Mamer	Codeine 4	30
4	10/15/81	Daughters	Codeine 4	30
5	10/22/81	Smolin	Codeine 4	30
6	10/22/81	Smolin	Codeine 3	15
7	11/04/81	Smolin	Codeine 4	30
8	11/19/81	Smolin	Codeine 4	30

9  
10 S. LESTER S., MEDI-CAL ID NUMBER  
1930-3632957-217

11	<u>DATE</u>	<u>PHYSICIAN</u>	<u>DRUG/STRENGTH</u>	<u>QUALITY</u>
12				
13	09/08/80	Whittier	Codeine 4	30
14	10/04/80	Kupferschmidt	Codeine 4	30
15	10/11/80	Bamaruar	Codeine 4	30
16	10/18/80	Eglin	Codeine 4	25
17	10/18/80	Eglin	Promethazine	180cc
18	11/21/80	Kupferschmidt	Codeine 4	30
19	11/28/80	Kupferschmidt	Codeine 4	30
20	12/05/80	Kupferschmidt	Codeine 4	30
21	12/12/80	Kupferschmidt	Codeine 4	30
22	12/19/80	Kupferschmidt	Codeine 4	30
23	12/30/80	Jacobs	Codeine 4	30
24	01/05/81	Grant	Codeine 4	30
25	01/12/81	Jacobs	Codeine 4	30
26	01/21/81	Lomaglio	Codeine 4	30
27	01/21/81	Lomaglio	Promethazine	180cc

3512F

43.

1	01/27/81	Lomaglio	Codeine 4	30
2	02/03/81	Lomaglio	Codeine 4	30
3	02/10/81	Lomaglio	Codeine 4	30
4	02/12/81	Lomaglio	Codeine 4	30
5	02/24/81	Lomaglio	Codeine 4	30
6	03/05/81	Lomaglio	Codeine 4	30
7	03/16/81	Daughters	Codeine 4	30
8	04/04/81	Daughters	Codeine 4	30
9	04/11/81	Daughters	Codeine 4	30
10	04/18/81	Chesnut	Codeine 4	30
11	05/02/81	Daughters	Codeine 4	30
12	05/09/81	Daughters	Codeine 4	30
13	05/15/81	Daughters	Codeine 4	30
14	05/22/81	Daughters	Codeine 4	30
15	05/29/81	Daughters	Codeine 4	30
16	06/05/81	Daughters	Codeine 4	30
17	06/11/81	Daughters	Codeine 4	30
18	06/20/81	Daughters	Codeine 4	30
19	06/26/81	Daughters	Codeine 4	30
20	07/03/81	Lomaglio	Codeine 4	30
21	07/13/81	Lomaglio	Codeine 4	30
22	07/20/81	Lomaglio	Codeine 3	5
23	07/20/81	Lomaglio	Codeine 4	25
24	07/27/81	Lomaglio	Codeine 4	30
25		/		
26		/		
27		/		

1           36. In the cases of the recipients of the drugs set  
2 forth hereinabove in paragraph 35 A through S, for which  
3 respondents received payment from the State of California,  
4 respondents Yip and Corporation knew or should have known that  
5 the orders for drugs purporting to be prescriptions to or for  
6 said persons were not legitimately issued for a valid medical  
7 purpose in part because:

8           A. Virtually every person seeing the same limited  
9 group of providers received the same medication in the same  
10 amounts and strengths (generally a codeine compound) from the  
11 same providers.

12           B. The Codeine was repeatedly dispensed together with  
13 another controlled substance or dangerous drug in an irrational  
14 combination, or in a combination known to be abused, or which  
15 respondent should have known to be abused by drug addicts.

16           C. The prescriptions honored by respondents for the  
17 same persons did not vary over an unreasonable period of time  
18 and as such do not reflect valid medical treatment, but  
19 maintenance of drug addiction.

20           D. That the drugs ordered to be dispensed to the  
21 recipients did not change or vary even when a different  
22 physician was the purported author of the prescription.

23           E. The recipients of said drugs regularly and openly  
24 sold the drugs, or solicited the sale of the drugs within view  
25 of A-Alpha Pharmacy.

26           F. That the vast majority of the prescriptions  
27 involved were telephoned to the pharmacy by the same medical

clinics.

37. Respondent Corporation and Yip are further subject to disciplinary action pursuant to BP Code section 4350.5 in professional conduct by reason of the following.

A-ALPHA APRIL - MAY 1982

A. On or about May 17, 1982, inspectors of the California State Board of Pharmacy performed <sup>AN</sup> on the audit of A-Alpha Pharmacy. Said audit covered a 28 business day period for said pharmacy commencing on April 15, 1982, and terminating on May 17, 1982.

B. The audit performed by pharmacy inspectors consisted of tabulating the acquisition records demonstrating the totals of all deliveries of controlled substances to respondents and contrasting this with all prescriptions dispensed by the pharmacy during the audit. Acquisition of the controlled substances and dangerous drugs in the schedules set forth hereinabove during the audit period was as follows:

DRUGS STRENGTH

AMOUNT RECEIVED

APC # 4  
Ambenyl  
Citra Forte syrup  
Dalmane 30 mg.  
Doriden 0.5  
Talwin 50 mg.  
Tylenol #3  
Tylenol #4  
Valium 10 mg.

125,000 tablets  
2 gallons (1,536 doses)  
24 gallons (18,432 doses)  
30,000 capsules  
2,500 tablets  
15,600 tablets  
1,000 tablets  
6,000 tablets  
8,000 tablets

C. During the audit period respondents Yip and Corporation filled the following prescriptions, of which the majority were for controlled substances.

1	DATE	TOTAL PRESCRIPTIONS	PRESCRIPTIONS	% OF SCHED. CONTROL
2	1982	(Less Sched. II)	SCHEDULES III	SUBSTANCES OF TOTAL
3			IV, V	PRESCRIPTION FILL
4	4/15	516	384	74.4
5	4/16	604	461	76.3
6	4/17	81	49	60.5
7	4/19	610	454	74.4
8	4/20	633	440	69.5
9	4/21	703	499	71.0
10	4/22	677	461	68.1
11	4/23	814	594	73.0
12	4/24	74	43	58.1
13	4/26	821	589	71.7
14	4/27	673	502	74.6
15	4/28	634	474	74.8
16	4/29	530	390	73.6
17	4/30	684	532	77.8
18	5/1	64	45	70.3
19	5/3	432	323	74.8
20	5/4	393	297	75.6
21	5/5	407	296	72.7
22	5/6	406	288	70.9
23	5/7	549	415	75.6
24	5/8	136	87	64.0
25	5/10	498	377	75.7
26	5/11	509	385	75.6
27	5/12	504	359	71.2
28	5/13	503	373	74.1
29	5/14	622	493	79.2
30	5/15	80	57	71.2
31	5/17	513	386	75.2

18 TOTALS

19 (Including Schl. II.)

20	<u>All prescriptions</u>	<u>All Schedule</u>	<u>Average</u>
21		<u>III, IV &amp; V</u>	<u>Daily %</u>
22	13,688	10,071	73.6%

23 D. Approximately half of the lesser scheduled  
 24 prescriptions filled by respondent were for APC #4 for a total  
 25 of 148,123 tablets.

26 E. 323 prescriptions were for Citra Forte syrup for a  
 27 total of 14,408 doses.

1 F. 433 prescriptions were for Talwin 50 mg. for a  
2 total of 15,348 dosage units.

3 G. An analysis of two days during the audit disclosed  
4 the following:

5 1. On May 14, 1982, 622 prescriptions were received  
6 at the pharmacy and filled:

7 (a) 493 or 79.2 percent were for a controlled  
8 substance classified in schedule III, IV or V.

9 (b) The 493 prescriptions were dispensed to 325  
10 patients, 163 of said patients receiving one prescription  
11 for a controlled substance, 156 receiving two  
12 prescriptions, and six receiving three prescriptions.

13 (c) Of the 493 prescriptions honored on May 14, 1982,  
14 410 were authorized or written by three physicians, two of  
15 whom were located in the same office.

16 2. On May 17, 1982, 513 total prescriptions were  
17 filled:

18 (a) 386, or 75.2 percent were for controlled  
19 substances classified in schedule III, IV or V.

20 (b) 386 prescriptions were dispensed to 251  
21 patients. 122 patients received a single controlled  
22 substance prescription, 123 received two controlled  
23 substance prescriptions, and six received three controlled  
24 substance prescriptions.

25 (c) 321 out of the total of 386 prescriptions were  
26 written by three physicians, with 279 of them coming of them  
27 from two physicians located in the same office.

1 38. California CAC section 1717(g) a rule of the  
2 board provides inter alia that only a pharmacist or intern  
3 pharmacist may receive or transcribe an oral prescription order.

4 39. BP Code section 4009 and CAC section 1710(b)  
5 requires inter alia that all drugs in a pharmacy shall be  
6 properly stored and shall meet all standards for strength and  
7 purity.

8 40. Respondent Corporation and Yip are further  
9 subject to disciplinary action by the board for violation of BP  
10 Code section 4350.5 by reason of violation of BP Code section  
11 4009 and CAC sections 1710(b) and 1717(b) both rules of the  
12 board, by reason of the following:

13 A. On or about May 17, 1982, an inspection of  
14 respondent corporation's pharmacy was performed.

15 B. At the time of said inspection respondent Yip was  
16 present, and was the sole pharmacist on duty.

17 C. Said inspection on May 17, 1982, revealed the  
18 presence of five clerks on duty actively working in the  
19 pharmacy area. Said work included non-pharmacist clerk  
20 personnel taking or transcribing telephoned prescriptions.

21 D. A further inspection of the stock of respondent  
22 pharmacy revealed that respondent Corporation and Yip  
23 maintained a stock of 27 containers of different prescription  
24 drugs which bore expiration dates upon them indicating that  
25 said drugs no longer met appropriate standards for strength and  
26 purity and should not have been present in the pharmacies  
27 active stock.

1 E. Further inspection of respondent pharmacy revealed  
2 the presence of numerous of APC #4 being packaged by clerks  
3 which were "prepackaged". Said containers were not in proper  
4 form, in that they were not in labeled prescription containers,  
5 but rather in bottles with either no labels or only a partial  
6 label.

7 F. Said conduct constitutes a violation of the  
8 sections set forth hereinabove.

9 41. Respondents herein are further subject to  
10 disciplinary action by the board for unprofessional conduct  
11 within the meaning of BP Code section 40350.5 for violating of  
12 section BP Code 4363 and HS Code 11379, 11152 and with section  
13 1761 CAC the circumstances are as follows:

14 42. During the initial audit period respondent  
15 corporation by and through respondent Yip dispensed at least  
16 three prescriptions which did not list a prescribing physician.

17 A. May 14, 1982

18 Prescription #  
726050

Drug  
APC #4

Amount  
24 tables

19 B. May 17, 1982

20 Prescription #

Drug

Amount

21 726260

Dalmane 30 mg.

15

22 726262

APC #4

24

23 A-ALPHA OCTOBER 25, 1982 - NOVEMBER 6, 1982

24 43. Respondent corporation and Yip are further  
25 subject to disciplinary action by reason of the following:  
26 *Dec 16 & Dec 21, 1982*

27 A. On or about ~~November 6, 1982~~, an inspection of  
respondent's pharmacy was performed. At this time, the  
prescription files for the period October 25, 1982 through and

including November 6, 1982, a total of 12 working days for the pharmacy. *was examined*

B. During said period, respondent Yip at the pharmacy filled a total of 3,370 prescriptions.

C. Of said total, 2,394, or an average of 70 percent of the prescriptions filled were for scheduled controlled substances classified in schedules III, IV or V.

D. The 2,394 controlled substances prescriptions were filled for 1,876 persons. Of these individuals, 1,373 received a single controlled substance; <sup>488 received 2 controlled substances</sup> and 15 received three controlled prescriptions simultaneously from respondents.

E. An analysis of the controlled substances filled for the 12 day period is as follows:

<u>DRUGS</u>	<u># OF PRESCRIPTIONS</u>	<u>TOTAL DOSAGE UNITS</u>
APC #4	1,442	33,839 tablets
Dalmane 30 mg.	386 prescriptions	6,085 capsules
Valium 10 mg.	247 prescriptions	3,760 tablets
Talwin 50 mg.	144 prescriptions	4,659 tablets
Citra Forte syrup	62 prescriptions	3,075 ts. full
Carbrital	23 prescriptions	660 capsules
Other prescriptions	90	
<u>TOTAL</u>	<u>2,394</u>	<u>51,448</u>

F. The overwhelming majority of the controlled substances prescriptions filled by respondent were written by two physicians at the same location; the same two physicians counted for the majority of the prescriptions in the April - May 1982, audit.

44. For the period January 4, 1982, to November 29, 1982, inclusive, respondent Yip by and through respondent

1 Corporation had ordered and taken delivery of the following  
2 amounts of drugs:

3 APC #4, 977,500 tablets  
4 Doriden, 17,700 tablets  
5 Dalmene, 163,700 tablets  
6 Talwin, 126,000  
7 Valium 10 mg., 54,600  
8 Citra Forte, 123 gallons (94,656 doses)  
9 Cabrital, 16,000 capsules

10 A-ALPHA JULY 19, 1983

11 45. Respondents Yip and corporation are further  
12 subject to disciplinary action by the board in violation of  
13 section 4350.5, or BP sections 4350.5, 4227 and 4047. The  
14 circumstances are as follows:

15 A. On or about July 12, 1983, an inspection was  
16 conducted of the Kellogg Valley Inn Residence, a community care  
17 facility for the developmentally disabled in Pomona,  
18 California. A review of the records of said facility and  
19 medication on hand disclosed that respondent pharmacy supplies  
20 prescription medication to said facility.

21 B. A review of the drugs received at said facility  
22 from respondent pharmacy in or about June 1983, included the  
23 following:

- 24 1. Prescription # 809209 (patient C.B.)  
25 Diphenhydramine 25 mg., # 200 sig 2 tid  
26 Benadryl 50 mg. #100 sig tid
- 27 2. Prescription #809103 (patient J.J.)  
Diphenhydramine 25 mg. #200 sig 2 tid  
Benadryl 50 mg. #100  
sig tid

1 C. A subsequent review of the prescription files at  
2 respondent pharmacy revealed no such prescriptions on file nor  
3 any prescriber who had ordered said drugs.

4 D. The dispensing of said drugs by respondent  
5 pharmacy constitutes violations of sections 4227 and 4350.5(b).

6 46. Respondent Yip and corporation are further  
7 subject to disciplinary action by the board for violations of  
8 sections 4350.5(b), 4227 and 4047.5 by reason of the following:

9 A. Respondent reincorporates by reference the factual  
10 allegations set forth hereinabove in paragraph 45A.

11 B. Beginning in or about March 1983, but at a precise  
12 time unknown to complainant and continued to July 1983,  
13 respondent corporation by and through respondent Yip dispensed  
14 vials of Prolixin Decanoate 25 mg. which were unlabeled except  
15 for the label on the vial placed there by the manufacturer.

16 C. The said dangerous drug was not ordered by a  
17 specific physician, and as such was dispensed by respondent  
18 illegally and without a prescription.

19 D. Prolixin Decanoate is a strong tranquilizer, and  
20 the dispensing of said medication without specific instructions  
21 for its use or without prescription constitutes gross  
22 negligence.

23 46. Respondent herein is subject to disciplinary  
24 action by the board for gross negligence within the meaning of  
25 4030.5.

26 A. In support of the instant allegations set forth  
27 hereinabove in paragraph 35, 36, 37, 38, 39, 40, 43 and 44.

1 B. At all times therein respondent herein knew or  
2 should have known that the prescriptions furnished him by or  
3 for the named individuals were not written in accordance with  
4 Health and Safety Code section 11154 in that (1) each  
5 individual received the same medication and the same strength  
6 (generally including a Codeine compound from same provider over  
7 a long period of time) (2) frequently the same medication was  
8 compounded with another controlled substance or dangerous drug,  
9 which, when taken together, formed an irrational combination or  
10 combination which respondent knew or should have known was a  
11 combination abused by addicts.

12 47. Respondent herein is subject to disciplinary  
13 action by the division for gross incompetence within the  
14 meaning of section 4030.5 of the code.

15 A. Complainant reincorporates by reference the  
16 allegations of facts set forth hereinabove in paragraph 35, 36,  
17 37, 38, 39, 40, 43 and 44;

18 B. In those instances where irrational combinations,  
19 or two medications with the same active ingredient were  
20 dispensed together, respondent knew or should have known said  
21 medications were being abused by addicts.

22 48. Said conduct as set forth hereinabove in  
23 paragraphs 46 and 47 also constitutes moral turpitude within  
24 the meaning of section 4350.5(c).

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26 49. Respondents Yip and Corporation are further  
27 subject to disciplinary action pursuant to BP Code section

4350.5 for violation of HS code sections 11153 and 11164(b) and (c) (following September 22, 1982, 21 CFR section 1306.04(a)) as follows:

A. In supporting the instant allegation the complainant reincorporates by reference the factual allegations hereinabove in paragraphs 37, 38, 39, 40, 43 and 44 inclusive.

B. Respondents herein know or should have known that at all times set forth, Codeine compounds in combination with tranquilizers or sleeping medication are highly abused by drug addicts in respondent's treating area.

C. Respondent herein knew or should have known that repeated orders purporting to be prescriptions for Codeine compounds with tranquilizers and/or sleeping medications were not valid prescriptions within the meaning of HS Code section 11150 et seq. and should not have been honored.

D. Respondent herein knew or should have known that the repeated identical orders for Codeine compounds according to the prescriptions which were identical or substantially the same for each person by the same prescriber over long periods of time were not valid prescriptions legitimately issued within the practice of a profession as defined by HS Code section 11150 et seq. and should not have been honored.

E. Respondents herein knew or should have known that repeated orders presented by the same persons which purported to prescriptions which called for two Codeine compounds of different strengths to be dispensed, or which called for a Codeine compound, together with a tranquilizer or sleeping

1 medication and a Codeine-like drug all to be dispensed at the  
2 same time were not valid prescriptions legitimately issued  
3 within the meaning of HS Code section 11150 et seq. and should  
4 not have been honored.

5 F. Respondents knew or should have known that they  
6 were furnishing controlled substances and/or dangerous drugs to  
7 persons other than those for which orders purporting to be  
8 prescriptions were issued in violation of section 4350.5  
9 together with CAC section 1717(e) in that the controlled  
10 substances and dangerous drugs dispensed by respondent were  
11 openly sold to others by persons to whom respondent had  
12 dispensed, and that said persons actively solicited the sale of  
13 said prescription drugs in plain view of the pharmacy and  
14 respondent Yip.

15 G. Respondent Yip and corporation failed to exercise  
16 the corresponding liability and responsibility and filled the  
17 prescriptions set forth hereinabove despite the fact that said  
18 prescriptions were frequently in irrational combination, or  
19 repeated over a long period of time.

20 50. Complainant herein separately and severally  
21 alleges that respondents are subject to disciplinary action  
22 pursuant to BP Code section 4350.5 for violation of BP Code  
23 section 4327, and HS Code sections 11152, 11158(a), 11171,  
24 11352, 11371, 11379 as follows:

25 A. In support of the instant allegations,  
26 complaintant reincorporates by reference as though fully set  
27 forth the allegations set forth in paragraph 35, subparagraphs

1 A through S.

2 B. Complainant reincorporates by reference to the  
3 factual allegations set forth hereinabove in paragraphs 36,  
4 subparagraphs 37, 38, 39, 40, 43 and 44 fully set forth at this  
5 point.

6 C. Respondents Yip and Corporation must have known  
7 that the prescriptions of the documents which purported to be  
8 prescriptions in which they honored were not legitimate  
9 prescriptions but were in fact issued to addicts and dealers  
10 for use in addiction and illegal sale on the street, an  
11 assurance which was taking place in plain view of the pharmacy.

12 D. Respondents corporation and Yip thereby furnished  
13 and sold dangerous drugs and controlled substances without a  
14 valid prescription (BP Code section 4227, HS Code sections  
15 11152, 11158(a), 11171, 11352) as to APC #4.)

16 51. Respondents corporation and Yip are further  
17 subject to disciplinary action to be BP Code section 4350.5 for  
18 violation of BP Code section 4230 and 4390 and HS Code sections  
19 11154, 11157, 11173(a)(1), 11173(b), 11175, 11350, 11351,  
20 11368, 11371, 11371.1, 11377, 11378 and 11379 as follows:

21 A. In support of the instant allegations complaintant  
22 reincorporates by reference the factual allegations in  
23 paragraphs 35, 36, 37, 38, 39, 40, 43 and 44 at this point.

24 B. Respondents Yip and corporation aided and abetted  
25 and assisted individuals in obtaining and possessing dangerous  
26 drugs and controlled substances without valid prescriptions (BP  
27 Code section 4230 as to Dalmane and Citra Forte and Carbrital)

1 (HS Code sections 11175, 11350) as to APC #4 and Citra Forte  
2 only and 11377 as to Carbital only.

3 C. Respondents Yip and corporation aided and abetted  
4 and assisted individuals in obtaining and possessing dangerous  
5 drugs and controlled substances through purported prescriptions  
6 which were in fact, false, fictitious and fraudulent and  
7 clearly not issued for any legitimate purpose (BP Code section  
8 4390, HS Code section 11173(a)(1).)

9 D. Respondents Yip and corporation aided and abetted  
10 and assisted licensed practitioners in the making, issuance and  
11 passing and honoring of false, fictitious and fraudulent  
12 prescriptions for controlled substances (BP Code section 4390,  
13 HS Code section 11154, 11157, 11173(b).)

14 E. Respondents Yip and corporation aided and abetted  
15 and assisted individuals in possessing for sale and sale of APC  
16 #4 (HS Code section 11351).

17 52. Respondents Yip and corporation are subject to  
18 disciplinary action pursuant to BP Code section 4350.5 for  
19 violation of HS Code section 11366 and for violation of BP Code  
20 section 4350.5 (acts of moral turpitude, dishonesty and  
21 corruption).

22 By reason of the conduct described hereinabove,  
23 respondent corporation and Yip have maintained A-Alpha Pharmacy  
24 between at least 1980 through and including 1983 for the  
25 purpose of unlawfully selling APC #4, Citra Forte and other  
26 narcotic cough syrups (HS Code section 11366) as well as Valium  
27 and other controlled substances.

PERSONAL LIABILITY OF TONY KOON WAH YIP

53. Respondent Yip is specifically subject to disciplinary action pursuant to BP Code section 4350.5 as to all of the acts and omissions alleged hereinabove by reason of the following.

A. Respondent Yip, was at all times mentioned herein from 1980 through and including July 1983 the sole pharmacist at respondent A-Alpha.

B. Respondent Yip was at all times pertinent the president and principal share holder of respondent Man Sing Corp.

C. Respondent Yip at all times pertinent hereto controlled and supervised and had direct knowledge and control of the operation of respondent corporations pharmacy A-Alpha.

D. Respondent Yip had personal knowledge of the manner and operation of the pharmacy in handling controlled substances and dangerous drugs and filling prescriptions for same as alleged hereinabove from March 1980 through 1983

DENIAL OF THE PENDING APPLICATION

54. The pending application of respondent corporation to conduct a pharmacy at 525 North Mednick Avenue, Los Angeles is subject to denial for unprofessional conduct in violation of section 4350.5 of the code.

A. In support of the allegation, complainant reincorporates by reference all allegations set forth hereinabove in paragraphs 35 through 53.

B. At all times mentioned herein, pursuant to

1 application for pharmacy permit, respondent Yip is the holder  
2 of 90 percent of the stock of respondent corporation and as  
3 such, the allegations of violation of HS Code section 11153 and  
4 CAC section 1761 chargeable to respondent Yip individually are  
5 also chargeable to respondent corporation's application.

6 55. BP Section 480 provides that a board may deny a  
7 license on grounds that the applicant has done any act  
8 involving dishonesty, fraud or deceit with the intent to  
9 substantially benefit himself or another or substantially  
10 injure another.

11 A. The application of respondent is subject to denial  
12 in that respondents corporation and Yip have been guilty of  
13 acts involving fraud, or deceit and dishonesty with intent to  
14 substantially benefit themselves.

15 1. During the period 1980-1983 respondents herein  
16 dispensed millions of dosage units of highly abused  
17 controlled substances pursuant to prescriptions which  
18 respondents knew or should have known to be invalid or not  
19 for a legitimate purpose.

20 2. The vast majority of these prescriptions were  
21 dispensed to the Medi-Cal beneficiaries and in each  
22 instance wherein respondent illegally dispensed a  
23 prescription, which in the competent exercise of his  
24 corresponding professional responsibility he should have  
25 refused. Respondent submitted a claim for, and did in fact  
26 receive payment.

1           3. By representing that he was honoring legitimate  
2       prescriptions respondents herein committed acts of fraud,  
3       dishonesty and or deceit wherein respondent sought to, and  
4       in fact did benefit himself.

5           B. By reason of respondents dispensing millions of  
6       dosages of controlled substances which respondent knew were  
7       being used by drug addicts as heroin substitutes. Respondent  
8       herein substantially injured both Medi-Cal beneficiaries and  
9       the public for fostering drug addiction and abuse.

10          C. Said conduct constitutes cause for denial of the  
11       pending application pursuant to BP Code section 480.

12          WHEREFORE, complainant prays that a hearing be held on  
13       the matters alleged hereinabove and following said hearing that  
14       the board issue a decision:

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(1) revoking or suspending pharmacists certificate of  
licensure No. PD29887 heretofore issued to Tony Koon Wah Yip;

(2) revoking or suspending pharmacy permit No. ZK  
20979 heretofore issued to Man Sing Corp. dba A-Alpha Pharmacy;

(3) denying the pending application of Man Sing Corp.  
dba A-Alpha Pharmacy for a pharmacy permit at 525 North Mednick  
Avenue, Los Angeles, California 90032; and

(4) taking such other and further action as the board may  
deem proper.

DATED: February 17, 1984

Lorie Garrison  
LORIE GARRIS  
Executive Secretary  
Board of Pharmacy  
State of California

Complainant